



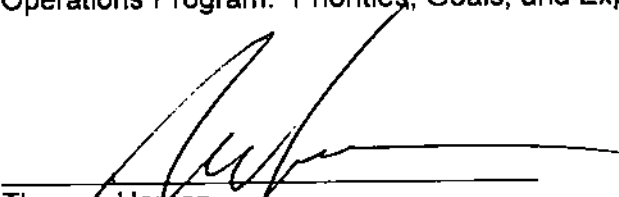
FOREWORD

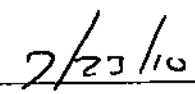
The Fugitive Operations Handbook compiles, for the first time, all current policies, procedures, and best practices established for the National Fugitive Operations Program within Enforcement and Removal Operations. It takes the place of the long-anticipated, never-issued Chapter 19 of the DRO Policy and Procedure Manual.

This compilation incorporates all current Fugitive Operations-specific processes and procedures, although the memoranda cited in the Handbook may contain more detailed information. The Handbook also includes templates for operational plans and operations worksheets. It is an operational guide for Fugitive Operations Teams.

Previously DRO- or ERO-issued documents that are fugitive operations-specific now take on the status of historical reference material or supplemental information. As a result, all such documents will move from "Current" to "Archived Documents" in the ERO Resource Library. When conducting a search for these documents in the Resource Library, remember to search under "Archived Documents."

Fugitive enforcement is guided by the June 30, 2010, ICE memorandum titled "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" (ICE Policy Number 10072.1) and the December 8, 2009, ICE memorandum titled, "National Fugitive Operations Program: Priorities, Goals, and Expectations" (ICE Policy Number 11001.1).



Thomas Homan
Assistant Director, Enforcement

Date

Responsibilities

Deputy Assistant Director (DAD), Compliance Enforcement Division. Oversees NFOP, including the HQ Fugitive Operations Unit (FOU) and the Fugitive Operations Support Center (FOSC).

Chief, Fugitive Operations Unit. Leads NFOP; serves as main point of contact for all queries about the NFOP from higher level management and the Field Office Directors. Interprets directives of ICE upper management, DHS, Congress, and the Executive Branch and monitors field implementation and reporting of statistical data. Determines geographic locations of Fugitive Operations Teams (FOTs) nationwide

Chief, Fugitive Operations Support Center (FOSC). Manages and directs the FOSC. Develops leads and analyzes data from multiple sources to support FOT enforcement operations; reviews and updates fugitive cases in the ENFORCE Alien Removal Module (EARM). Reports on the nature and characteristics of the fugitive backlog. Manages the Cold Case docket and is the system owner for the Fugitive Case Management System (FCMS).

Field Office Director (FOD). Oversees local implementation of Fugitive Operations-related policy. Meets NFOP performance goals. Sets policy on rotation and placement of FOT members (FOT locations are determined at headquarters) Fully staffs FOT positions; uses NFOP resources and funding solely to advance the NFOP mission.

Assistant Field Office Director (AFOD). Provides guidance and oversight to FOT SDDOs. Briefs FOD on FOT operations and concerns. During HQ-driven operations, is the main point of contact with the NFOP

FOT Supervisor. Plans and implements team operations based on guidance and goals set by the NFOP and the FOD. Addresses administrative issues concerning FOT, including performance evaluations, training, leave, and disciplinary actions. Reviews and monitors all FOT processing work: Field Operations Worksheets (FOWs), Enforcement Case Tracking System (ENFORCE), Enforce Alien Removal Module (EARM), Alien-Files (A-Files), and Target Folders. Communicates and monitors compliance with the most recent processing guidance. Provides on-site leadership both in the field and in the office.

Fugitive Operations Team (FOT). Comprised of one Supervisory Detention and Deportation Officer (SDDO), four Deportation Officers (DOs), one Immigration Enforcement Agent (IEA), and one Detention and Removal Assistant (DRA), conducts enforcement activities based on the policies set by the NFOP and the FOD

Priorities

The FOT Supervisor assigns cases for review and preparation based on the priorities established under "Enforcement Priorities" in the ICE memorandum, "National Fugitive Operations Program, Priorities, Goals, and Expectations," dated December 8, 2009, in descending order of priority, as follows

Tier 1 Fugitives aliens

I Who pose a threat to national security





United States v Paradies, 98 F3d 1266 (11th Cir. 1996)
United States v. Parsons, 967 F.2d 452 (10th Cir. 1992)
United States v Precision Medical Laboratories, Inc., 593 F2d 434 (2nd Cir. 1978)
United States v. Pruitt, 702 F.2d 152 (8th Cir. 1983)
United States v Schaltenbrand, 930 F2d 1554 (11th Cir. 1991), cert. denied, 112 S Ct 640 (1991)
United States v Smith, 267 F3d 1154 (D.C.C. 2001)
United States v. Snider, 502 F.2d 645 (4th Cir. 1974)
United States v. Taylor, 66 F.3d 254 (9th Cir. 1995)
United States v Trost, 152 F3d 715 (7th Cir. 1998)
United States v. Upton, 91 F.3d 677 (5th Cir. 1996)
United States v. Ward, 1999 U.S. App. LEXIS 9255 (9th Cir. 1999)
United States v. White, 27 F.3d 1531 (11th Cir. 1994)
18 U.S.C. § 6
18 U.S.C. § 201
18 U.S.C. § 208
18 U.S.C. § 216
18 U.S.C. § 287
18 U.S.C. § 641
18 U.S.C. § 666
18 U.S.C. § 1341
18 U.S.C. § 1343
18 U.S.C. § 1344
Eleventh Circuit Pattern Jury Instructions: Criminal (Offense) § 9 (1997)
Seventh Circuit Pattern Criminal Federal Jury Instructions (1999)
Edward J. Devitt, et al., **FEDERAL JURY PRACTICE AND INSTRUCTIONS: Criminal** § 37.08 (4th ed. 1990)

PART 2: Fugitive Operations Team (FOT) Casework



Lead Development

NFOP cases may come from docket management, leads from the Fugitive Operations Support Center (FOSC); the ICE Tip Line (888-DHS-2ICE); INTERPOL; and other FOTs, DHS entities, and law enforcement agencies (LEAs).

Once a case or investigative lead is identified as an NFOP case, it belongs with the FOT with geographical jurisdiction. The originating office will officially transfer the A-file, T-File(s), and Work Folder(s) through the National File Tracking System (NFTS) to the responsible FOT Supervisor. The originating office will then forward these files and folder(s) along with the Target Folder and any other lead information to the FOT.

FOTs may also develop leads for criminal aliens by working with probation and parole offices in their AOR. Consistent with local policy, FOTs may take an active role in the apprehension of criminal violators as identified by CIS Fraud Detection and National Security Units. (For background and clarification on this issue, see the memoranda: "Benefits Fraud Units Transfer Of Criminal Alien Referrals from Office of Investigation to Office of Enforcement and Removal Operations" and "Charging Document Issuance and Processing by Enforcement and Removal Operations of Citizenship and Immigration Services Referral Cases," respectively dated April 8, 2005, and October 30, 2006.)

FOTs should use open sources such as television¹, newspaper, and other media outlets that profile wanted individuals to identify and build Target Folders for high-priority fugitive aliens. However, NFOP must review and approve the target folder based on those sources before the FOT conducts an operation involving a high-priority fugitive.

ICE ERO does not have a confidential informant policy or training program established. FOT members can however use other tools to develop sources of information. An FOT Officer, with an FOT Supervisor's approval, may consider the use of prosecutorial discretion, or one of the variety of Alternatives to Detention as a possible means to continue an individual's productive cooperation.

Before making the decision to exercise prosecutorial discretion, the FOT Officer and Supervisor must carefully review the criminal background and the totality of the circumstances that surround the Subject.

The FOD should always be informed and consulted before anyone is given an incentive to provide information as described above.

Case Management

Docket Management

The FOT Supervisor should divide the cases among the team in a fair and intelligent manner. Docket management includes the careful review of cases on each fugitive docket. This will lead to a systematic review and proper vetting of all cases.

¹ Television programs such as Fox Networks' "America's Most Wanted"



(b)(6), (b)(7)(C)

From: Homan, Thomas
Sent: Monday, October 25, 2010 12:43 PM
To: Miller, Philip T
Subject: Re: Did we

Thanks

From: Miller, Philip T
To: Homan, Thomas
Sent: Mon Oct 25 12:34:12 2010
Subject: Re: Did we

(b)(6), (b)(7)(C)

This is what (b)(6), (b)(7)(C) sent up last week:

This (HSI/ERO) enforcement operation (10/20/10) resulted in the arrest of twenty (20) individuals that were determined to be illegally present in the United States with several of the individuals positively identified as known gang members and previously targeted ICE fugitives. All violators were taken to the ICE Nashville Office for processing. One (1) subject was released; due to a pending appeal on an IJ Order of Removal and active immigration bond. Nineteen (19) remain in ICE custody, pending removal from the United States.

Here is a more detailed account:

- Joint Gang Operation HSI/ERO
- o 10/20/2010
- o Nashville, TN.
- o Gang Members/affiliated individuals
- o 4 targeted apartments at a large complex
- o Joint Op involving the Nashville Metro PD Gang Unit, Nashville HSI and FOT
- o Lead Agency is Nashville Metro PD
- o No Anticipated Media Impact
- o Pre-Operation Synopsis:

Metropolitan Nashville Police (Metro) received numerous complaints concerning criminal street gang activity at the Clairmont Apartments, 1019 Patricia Drive, Nashville, TN. Also, the ICE/Fugitive Operation Team (FOT) has encountered a number of ICE fugitives in the apartment complex. After a recent ICE/FOT operation in the complex, (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(F) were threatened by young Hispanic males for their alleged cooperation with ICE/FOT. (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(F) HSI, ICE/FOT, and Metro Gang have identified two active street gangs affiliated with SUR 13 in the complex: Sureños Locos Criminales (SLC) and Seven Oaks Park (7OP). HSI, ICE/FOT, and Metro Gang have identified four apartments associated with the criminal activity: (b)(6), (b)(7)(C)

Post Operation Results:

On October 20, 2010, a joint enforcement operation was conducted at 1019 Patricia Lane (Claiborne Apartments) by the Nashville, TN Fugitive Operations Team (FOT), Special Agents of Homeland Security Investigations, and the Nashville Metro PD Gang Unit. This enforcement operation resulted in the arrest of twenty (20) individuals that were determined to be illegally present in the United States with several of the individuals positively identified as known gang members and previously targeted ICE fugitives.

Several other United States Citizen (USC) possible juvenile gang members from 7OP (Seven Oaks Park) MS-13 clique and SLC (Sureños Locos Criminales) Sur 13 clique were interviewed and identified by Nashville Metro PD Gang Unit and ICE Officers/Agents.

All violators were taken to the ICE Nashville Office for processing. One (1) subject was released; due to a pending appeal on an IJ Order of Removal and active immigration bond. Nineteen (19) remain in ICE custody, pending removal from the United States.

On October 22, 2010, [REDACTED] with Justice for our Neighbors (NGO) contacted ERO New Orleans and requested delayed transfers of all detainees arrested during operation for attorney interviews. It was determined that detainees had already departed Davidson County Jail, Nashville, TN. However, coordinated interviews were allowed at ERO Nashville 247 Venture Circle office prior to actual transfer to DeKalb County Jail (DCJ), Fort Payne, AL. In addition, further accommodations have been offered to NGO to allow personal interviews or VTC interviews with detainees this weekend.

Please let me know if you need additional information.

Thanks,
Phil

From: Homan, Thomas
To: Miller, Philip T
Sent: Mon Oct 25 11:08:25 2010
Subject: Fw: Did we

Need details please ASAP

From: [REDACTED]
To: Homan, Thomas
Sent: Mon Oct 25 11
Subject: Fw: Did we

[REDACTED]
Assistant Deputy Director, ICE
202-732 [REDACTED] (w)
202-590 [REDACTED] (c)

From: [REDACTED]
To: [REDACTED] weg, John
Sent: Mon Oct 25 1
Subject: Re: Did we

Get me some details?

From: [REDACTED]
To: [REDACTED]
Sent: Mon Oct 25 1
Subject: FW: Did we

A gang operation is the closest thing I found.

From: Homan, Thomas
Sent: Monday, October 25, 2010 11:27 AM
To: [REDACTED]
Cc: Wittenberg, Char F
Subject: FW: Did we

From: Miller, Philip T
Sent: Monday, October 25, 2010 11:24 AM
To: Homan, Thomas
Subject: Re: Did we

No operation. Is this the same issue as last week with the Metro PD op against Surenos and MS-13? HSI and FOT Nashville assisted but Metro Gang Unit was the lead.

From: Homan, Thomas
To: Miller, Philip T
Sent: Mon Oct 25 10:11:20 2010
Subject: FW: Did we have an operation at an apartment complex in Tenn this weekend?

????????????????????

From: (b)(6),(b)(7)(C)
Sent: Monday, October 25, 2010 11:07 AM
To: Homan, Thomas; Wittenberg, Char F
Cc: (b)(6),(b)(7)(C)
Subject: Did we have an operation at an apartment complex in Tenn this weekend?

(b)(6),(b)(7)(C)
Assistant Deputy Director
Immigration and Customs Enforcement

(b)(6)
(b)(6)

PART 4: Processing Cases

FOTs will follow standard processing procedures for the removal of an alien with a final order (see the CAP/FUGOPS Quick Reference Processing Guide at <http://tinyurl.com/2faphzb>). FOT Supervisors are responsible for implementing any superseding or additional guidance sent out by the NFOP

Officers will also update FCMS and EARM with criminal activity, case category changes, and case actions. Concisely note the arrest and any special circumstances surrounding the case in the Case Comments box under the Comments tab. If an A-file has to be requested from the National Records Center or another field office, the processing FOT officer will make the request and document it in the A- or T-file and EARM.

Review cases for prosecutability. Present amenable cases to the Assistant U.S. Attorney or refer them to the Violent Criminal Alien Section (VCAS) unit or prosecution officer. An officer will establish a case in TECS and complete a Report of Investigation (ROI). See the [DRO TECS Case Management User Guide](#).

When transferring a case to the detained docket, provide the travel document and birth certificate, if available, and, from the target folder copies of the signed I-205, final order of removal and BIA decisions and any judicial decisions on removal

Do not place FOWs or investigative paperwork in the A-file. The Field Office must maintain Target Folders indefinitely, pending further guidance.

Reporting Requirements

FCMS

Enter daily enforcement activities into FCMS as they occur, but no later than midnight Friday, as follows:

- **Arrest:** If applicable, select "Arrest" from the "Action" drop-down menu
- **Located/Detainer (I-247 Lodged):** Select "Located/Detainer (I-247 Lodged)" from the "Action" drop-down menu after locating and placing a detainer on an individual detained by another agency
- **Case Category Changed:** If the fugitive case category (5B, 8E, or 8I) is no longer appropriate, select "Case Category Changed" from the "Action" drop-down menu.
- **Case Closure:** If the alien is no longer a fugitive and the case should be closed, select "Case Closure – Self Removal," "Case Closure – Deceased," "Case Closure – Benefits REC'D" or "Case Closure – Removed" from the "Action" drop-down menu.



Exhausted Leads

If all leads are exhausted, as confirmed by the Fugitive Alien Cold Case checklist, generate a Report of Investigation (Form G-166C) and give it to the FOT Supervisor for review. The FOT Supervisor will review the G-166C to verify that all investigative leads have been pursued.

NFOP has initiated a process for handling cold cases (see DRO memorandum, "Designation of Cold Case Fugitive Files," dated September 4, 2009). For information on this program, contact your FOSC staff officer.

Special Activities

ATD Violations

The FOT Supervisor should work closely with the Field Office's ATD unit to establish a local plan of action for an ATD violation.

ATD violations are often well-planned events that require immediate action to recover an ATD violator. Therefore, open communication between the FOT and ATD is crucial. The likelihood of recovery decreases substantially as the time between violation and referral to the FOT increases.

The ATD program has an established reporting procedure for ATD violations different from escapes. The ATD officer takes the lead on reporting unless the FOD decides otherwise.

Escapes

In the event of an escape, the FOT Supervisor will be the officer in charge of the escape investigation. The FOT will be responsible for the investigation, tracking, and locating of the escapee. A number of very specific reporting actions need to take place in the event of an escape (see DRO memoranda, "Escape Reporting," dated July 14, 2006, and "Standard Operating Procedure, Escapes and Releases," dated December 11, 2006).

Complete and fax an Escape Worksheet (see Appendix 5) to the HQ ERO Detention Management Division within 24 hours of the escape.

Fugitive Alien Removal (FAR) Requests

A FAR request concerns an international fugitive who has an outstanding Criminal Arrest Warrant issued under the authority of the criminal justice system in the country where the criminal activity took place, provided:

- the international fugitive's crime is also considered a crime within the United States;
- the requesting government has provided evidence of the existence of the arrest warrant through official correspondence such as the issuance of an INTERPOL Red Notice; INTERPOL Diffusion message; or actual, translated copy of the warrant, and

-
- the requesting government has agreed to expeditious issuance of travel documents to facilitate the target's return, if necessary.

When INTERPOL issues a FAR request (Red Notice, Diffusion Message, or Special Notice) for an international fugitive believed to be in the United States, NFOP will alert the FOT Supervisor with jurisdiction.

Liaison and Task Forces

FOT members are encouraged to interact with other law enforcement agencies, task forces, and non-governmental organizations to foster cooperative relationships. Officers may, with approval from the FOD, serve on law enforcement task forces that share common goals with the NFOP and contribute to the ERO mission as a force multiplier. See the "Building Partnerships" section of ICE Directive 11001.1

Media

Do not interact with media representatives. Refer media inquiries to the FOD, who will coordinate with the ICE Office of Public Affairs.

Refer requests for "ride-alongs" to the FOD, who will coordinate with the Public Affairs Office, and HQ NFOP. The FOT Supervisor will submit an operational plan and target list to the FOD and HQ NFOP.

U.S. Department of Homeland Security
Immigration and Customs Enforcement (ICE)
Field Office



WANTED

For Immediate Arrest and Deportation

NOTICE TO ARRESTING AGENCY: Before arrest, validate warrant through Immigration and Customs Enforcement, Washington Field Office, (202) 345-(b)(6) or call the ICE Law Enforcement Support Center at (802) 872-(b)(6)

NAME: LAST, First Middle

ALIAS: LAST, First Middle

FBI # (b)(7)(E),(b)(6),(b)(7)(C)

ALIEN NUMBER: A#(b)(6),(b)(7)(C)

Physical Description:

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

WANTED FOR: DEPORTATION

MISCELLANEOUS INFORMATION: Convicted Annoy Molest Child

If arrested or whereabouts known, notify the local ICE Enforcement and Removal Operations office telephone (123) 456-(b)(6) or contact WAS Eng Ops at (123) 456-(b)(6)

Appendix 3: Operational Plan (Sample)

FUGITIVE REPORT INSTRUCTIONS



Red fields are mandatory

Block 1 - Date of Report	Enter date of report. If date is more than 24 hours from the Date of Warrant, explain in Block #32.												
Block 2 & 3 - Originating Office/ Case Number	Enter office name and case number. Check box if FBI, DTA or COCDET Investigator.												
Block 4 - Check Boxes	Check all that applies to Fugitive. In Block #32, explain why the Armed/Dangerous and/or Suicidal Tendencies block(s) were checked. Use additional pages if necessary.												
Block 5 - Name	Enter full name: Last, First, Middle. If subject has more names, use Block 30, Aliases.												
Block 6 - Date of Birth	Enter date of birth using digits. If more, use Block 29.												
Block 7 - Birthplace	City or town, State and Country of birth.												
Block 8 - Race/Sex	<table border="0"> <tr> <td>Race Codes:</td> <td></td> <td>Sex Codes:</td> </tr> <tr> <td>W=White</td> <td>AA=Asian or Pacific Islander</td> <td>M=Male</td> </tr> <tr> <td>B=Black</td> <td>U=Unknown</td> <td>F=Female</td> </tr> <tr> <td>A=American Indian</td> <td>(Note: Records for Hispanics should be entered with the race code most closely representing the individual)</td> <td>U=Unknown</td> </tr> </table>	Race Codes:		Sex Codes:	W=White	AA=Asian or Pacific Islander	M=Male	B=Black	U=Unknown	F=Female	A=American Indian	(Note: Records for Hispanics should be entered with the race code most closely representing the individual)	U=Unknown
Race Codes:		Sex Codes:											
W=White	AA=Asian or Pacific Islander	M=Male											
B=Black	U=Unknown	F=Female											
A=American Indian	(Note: Records for Hispanics should be entered with the race code most closely representing the individual)	U=Unknown											
Block 9 - Height	In feet and inches. Maximum is 4 to a maximum of 7'11". If the information is unknown, enter "Unknown" and an estimate in Box 32, Remarks.												
Block 10 - Weight	In pounds. Maximum of 500 and minimum of 40. If the information is unknown, enter "Unknown" and an estimate in Box 32, Remarks.												
Block 11 - Eye Color	Brown, Blue, Green, etc.												
Block 12 - Hair Color	Self-explanatory.												
Block 13 - Skin Tone	Light, Medium, or Dark.												
Block 14 - FBI Number	If known.												
Block 15 - Fingerprint Classification	If known.												
Block 16 - Scars/Marks/Tattoos	Self-explanatory.												
Block 17 - Operator License Number License State Year Expires	Driver's License number State where license was issued Year license expires.												
Block 18 - Warrant Number	Self-explanatory.												
Block 19 - Date of Warrant	Date Warrant was issued.												
Block 20 - Warrant Type	1=Arrest												
Block 21 - Bond	Amount in dollars, if known.												
Block 22 - Charge	Describe charge or, if known, NCIC offense code.												
Block 23 - Court of Jurisdiction	Court where warrant was issued.												
Block 24 - Social Security Number	Self-explanatory. If more, use Block 29.												
Block 25 - Citizenship	If known, country where citizen, not necessarily birth country.												
Block 26 - Alien Registration Number	Self-explanatory, if known.												
Block 27 - Passport Number	Self-explanatory, if more, use Block 29, Other Miscellaneous Numbers.												
Block 28 - State Agency NBR (S.D.)	If known, this is the identification number of a state criminal history record. Include state.												
Block 29 - Last Known Address/ Other Miscellaneous Numbers	Last known address. Other identification cards, identifications, or numbers of subject. Additional dates of birth. Other Social Security Numbers. List numbers of cell phones, pagers, associate phone numbers used by fugitive or family.												
Block 30 - Aliases	Other names and aliases of the subject.												
Block 31 - Photo	Attach photo to DHS Form 59, if applicable.												
Block 32 - Remarks	Include here: Any additional data. Reason report date is 24 hours older than Warrant date, e.g., "Sealed Indictment". When entering License Plate and/or Vehicle data, two (2) higher standards MUST be met: 1-Location of vehicle and/or license plate MUST be unknown, AND 2- the reporting officer has reasonable grounds to believe the subject is operating the vehicle or a vehicle with the license plate. Note: Mere knowledge or verification through a DMV that a vehicle and/or license plate is registered to the subject does not meet the criteria for entry!												
Block 33 - Clearance Information	Use this block ONLY if the subject has been apprehended. Blocks are self-explanatory.												
Block 34 - Cancellation Information	Use this block to explain any reason why the warrant is no longer valid.												
Block 35 - TICS ID	TICS Record Identification number.												
Block 36 - NIC	National Criminal Information Center (NCIC) number, if known, used for removing an NCIC record.												
Block 37 - OCA	OCA is an NLECC assigned number.												
Block 38 - Primary Apprehension Responsibility	Check one box to signify the agency which has primary apprehension responsibility.												
Block 39 - Reporting Officer	Print name, title, and state. Include office, trip, home and cell phone numbers.												
Block 40 - Approving Official	Print name, title, and date.												

DHS Form 59 (10/09)

Appendix 6: NFOP Acronym List

AOR	Area of Responsibility
ATD	Alternatives to Detention
BIA	Board of Immigration Appeals
CCF	Cold Case File
CPS	Child Protective Services
DOCC	Detention Operations Coordination Center
EARM	ENFORCE Alien Removal Module
FAR	Fugitive Alien Removal
FCMS	Fugitive Case Management System
FOSC	Fugitive Operations Support Center
FOT	Fugitive Operations Team
FOW	Field Operations Worksheet
HIDTA	High Intensity Drug Trafficking Area Task Force
LEA	Law Enforcement Agency
LESC	Law Enforcement Support Center
LPR	Legal Permanent Resident
NCIC	National Crime Information Center
NFOP	National Fugitive Operations Program
NFTTU	National Firearms and Tactical Training Unit
RAIC	Resident Agent in Charge
SAIC	Special Agent in Charge
USC	United States Citizen
VCAS	Violent Criminal Alien Section



INSTRUCTOR GUIDE

METHODOLOGIES:

1. Lecture.
2. Classroom Discussion.
3. Case Briefs.



TRAINING AIDS:

1. Instructor
 - a. Legal Division Sourcebook (Most Recent Edition).
 - b. "Warrantless Vehicle Search" Brochure (Most Recent Edition).
 - c. Instructional Videos
 - (1) "The Right to Privacy" – Video #33
 - (2) "Informers – Part 1" – Video #141
 - (3) "Chimel – Search Incident to Arrest" – Video #148
 - (4) "Consent Searches – Part 1, Authority to Consent" – Video #215
 - d. Podcasts – located online at www.fletc.gov/legal/podcasts
 - e. Search Warrant Lab Guide
 - f. Fourth Amendment Legal Skills Lab Guide
 - g. Fourth Amendment Computer-Based Skills Lab Guide
 - h. Probable Cause Lab Guide
 - i. Phase 9 (Search Warrant Affidavit PE) Guide
2. Student:
 - a. Legal Division Sourcebook (Most Current Edition).
 - b. "Warrantless Vehicle Search" Brochure (Most Recent Edition)
 - c. Podcasts – located online at www.fletc.gov/legal/podcasts.

SPECIAL INSTRUCTOR REQUIREMENTS:

NONE

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

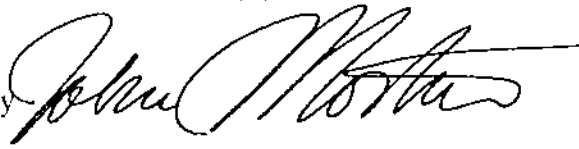


DEC 08 2009



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors and
All Fugitive Operation Team Members

FROM: John Morton
Assistant Secretary 

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and
Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.¹ In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

¹ A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.² Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

² These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

[REDACTED]
likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).

INSTRUCTOR GUIDE

METHODOLOGIES:

1. Lecture.
2. Classroom Discussion.
3. Case Briefs.

TRAINING AIDS:



1. Instructor
 - a. Legal Division Handbook [most recent edition]
 - b. Legal Division Reference Book [most recent edition]
 - c. "Warrantless Vehicle Search" Brochure [most recent edition]
 - d. Podcasts – located online at www.fletc.gov/legal/podcasts.
 - e. Student Guide: Preparing Criminal Complaints, Arrest Warrants and Search Warrants [most recent edition]
 - f. Fourth Amendment Practice Exam [www.fletc.gov/training/programs/legal-division/practice-exams]
 - g. Instructional Videos [location unknown]
 - (1) "The Right to Privacy" – Video #33
 - (2) "Informers – Part 1" – Video #141
 - (3) "Chimel – Search Incident to Arrest" – Video #148
 - (4) "Consent Searches – Part 1, Authority to Consent" – Video #215
 - (5) Search Warrant Lab Guide
 - h. Fourth Amendment Legal Skills Lab Guide
 - i. Fourth Amendment Computer-Based Skills Lab Guide
 - j. Probable Cause Lab Guide
 - k. Phase 9 (Search Warrant Affidavit PE) Guide
2. Student:
 - a. Legal Division Handbook [most recent edition]
 - b. Legal Division Reference Book [most recent edition]
 - c. "Warrantless Vehicle Search" Brochure [most recent edition]
 - d. Podcasts – located online at www.fletc.gov/legal/podcasts.
 - e. Student Guide: Preparing Criminal Complaints, Arrest Warrants and Search Warrants [most recent edition]
 - f. Fourth Amendment Practice Exam [www.fletc.gov/training/programs/legal-division/practice-exams]

SPECIAL INSTRUCTOR REQUIREMENTS:

NONE

LESSON DESCRIPTION

I. LESSON TITLE

ERO Physical Evidence

II. PROGRAM/COURSE TITLE

Field Operations Training Program - Prosecution

III. DESCRIPTION

This course is designed to enable ERO officers to recognize physical or real evidence as well as situations in which an officer may legally seize or detain evidence and/or property, to include abandoned property. Through lecture, demonstration and practice in a case scenario, the students will be able to initiate and record the chain of custody for seized evidence and property, and properly package, transport, secure and dispose of that evidence.

NOTE: The student practice and assessment are described in the FOTP-P CCS Guide, specifically phases 14, 19-20 and 24, and the Day 14/15 Final Practical Exercise (P.E.).

IV. TERMINAL PERFORMANCE OBJECTIVE

- Condition:** Given a field situation in which a search warrant has been executed, and a search for physical evidence has been initiated,
- Behavior:** the ERO officer will secure and dispose of evidence,
- Criterion:** in accordance with the Federal Rules of Criminal Procedures, the Federal Rules of Evidence and ICE policy and procedures.

V. ENABLING PERFORMANCE OBJECTIVES

EPO #1: Recognize the type and likely manner in which evidence may be encountered by ERO.

EPO #2: Initiate and maintain a chain of custody on evidence.

EPO #3: Package, transport and store evidence.

EPO #4: Request laboratory examination of evidence.

EPO #5: Record evidence in ENFORCE.

EPO #6: Properly dispose of evidence.

LESSON ADMINISTRATION

I. LESSON TITLE

ERO Physical Evidence



II. RISK MANAGEMENT PLAN (If Required)

Only government vehicles or government rental vehicles will be used. Any accidents or injuries will be reported to the Section Chief or Unit Chief. Risk Assessment Sheets will be completed for the lab and P.E.

III. FACILITY REQUIREMENTS

Main classroom with computers equipped with ENFORCE training system (up to 24 students with instructor station with presentation equipment)
2 Break-out rooms with computers equipped with ENFORCE training system (for up to 8 students and 1 instructor)
Raid Houses and Role Players (see FOTP-P CCS)

IV. TRANSPORTATION REQUIREMENTS

Students will use government vehicles during the FOTP-P CCS to arrive at and depart from raid house locations in which criminal warrants will be executed.

V. REQUIRED STAFF

One instructor is required for lecture and demonstration portions of this course. If possible, a secondary instructor, who is a subject matter expert in Federal Rules of Evidence, should assist the primary instructor. All three CCS Coordinators (CCS-Cs) as well as six Tactics Instructors (TIs) are required for the lab and P.E.

Instructor Preparation: For lecture portion of this class, instructor must be familiar with the Execution of Criminal Warrants LP as well as the ICEEOPLAN LP as all three are inter-related. For the LABS and P.E., CCS-Cs and TIs must be familiar with the FOTP-P CCS Guide (Phase 12–14, 19-20 and 24 and Day 14/15 Final P.E.).

VI. ACADEMY PROVIDED TRAINING AIDS/EQUIPMENT

- Instructor Guide – ERO Physical Evidence
- Instructor Guide – FOTP-P CCS Guide
- Power Point Presentation
- Individually issued secure thumb drive containing reference material
- Government Vehicles
- Role Players
- Raid Houses
- Red Guns
- Evidence Kit to include associated forms
- Mock Evidence
- Radios

B. Enabling Performance Objectives

EPO #1: Recognize the type and likely manner in which evidence may be encountered by ERO.

EPO #2: Initiate and maintain a chain of custody on evidence.

EPO #3: Package, transport and store evidence.

EPO #4: Request laboratory examination of evidence.

EPO #5: Record evidence in ENFORCE.

EPO #6: Properly dispose of evidence.

III. Advance Organizer of Main Ideas

In dealing with alien property, there are set procedures that must be followed. Any item removed from the detainee's possession must be inventoried, and a receipt provided. A second officer witnesses by way of signature. The items are either placed in an envelope or, if too big, tagged, and then placed in a secure storage area. The information is also entered into the property receipt logbook. On occasion, an inventory and audit is conducted to ensure detainee funds and valuables are accounted for. When the property is returned to the detainee, the log and inventory sheets are updated to reflect this transaction. You will find that the procedures for evidence are very similar. This lesson will take what you already know about funds and personal property and expand it into the area of evidence and contraband.

IV. Review of Prerequisites

To proceed with the lesson and be able to recognize evidence that ERO will likely encounter, it is imperative that the student be clear on the exact definition of evidence, as well as types of evidence that may be presented in court. ERO officers will also need to understand the difference between seized property and evidence before proceeding with this lesson.

EVIDENCE:

(A thing or set of things that when put together help in forming a conclusion) Something that furnishes proof. Offered in court to prove or disprove a fact that is at issue in a trial, e.g., an element of the crime, a defense, or credibility of a witness.

Physical or Real Evidence:

A material object; something you can touch or see. [ex: drugs, identity documents, fingerprints] ICE classifies physical evidence into two categories:



the case of abandoned or forfeited property (administrative or criminal). A person cannot abandon something if s/he does not admit to ownership. .

Seized Asset and Case Tracking System (SEACATS): The CBP automated system that is integrated with TECS and used by ICE to track all seized property, and arrests.

Search, Arrest, and Seizure (SAS)/Incident Report: Records statistical and enforcement information relating to searches, arrests, and seizures made by ICE officers. Further instruction on this report has been provided during the TECS CM lesson.

V. Agenda

- First, types of evidence common to ERO will be discussed as well as how such evidence may be encountered.
- The concept of “chain of custody” will then be discussed while an example of a completed DHS Form 6051S is reviewed.
- Evidence packaging will be discussed and displayed. .
- The role of the evidence custodian will be discussed as well as the rules about transporting high risk property/evidence and the importance of securing/storing evidence.
- The difference between the ICE FDL and other local, state or federal labs will be explained.
- An example FDL request and resulting reports will be reviewed.
- Provide an overview of the December 2012 policy re: I-44 and property in EABM
- On TD 9, students will practice seizing evidence in the classroom.
- During CCS Phase 14, the students will practice seizing evidence to include completing the DHS Form 6051S (chain of custody), packaging, transporting and storing the evidence.
- During Phase 19, the students will complete the I-44 in ENFORCE (EABM).
- During CCS Phase 20, the students will practice completing the FDL request form.
- On day 12, the instructor will discuss evidence disposal.
- During CCS Phase 24, the students will practice disposal of their evidence seized during CCS Phase 14.
- Final Test of activity to be given on Day 14/15.

1. Once evidence bag is sealed, tear off the top (perforated) strip of the bag
2. Staple strip copy 6051S
3. File copy of 6051 in prosecution case file folder
- iii. BOXES: ex, bulky records and guns
- c. Pre-printed fields on evidence packages correspond with the DHS Form 6051S and the SAS Incident Report
 - i. SAS Report number and SEACATS-generated seizure numbers are recorded on the evidence label and 6051
 - ii. The unique 6051 serial number is entered on the evidence label and in SEACATS (SAS Report)
 - iii. Line item numbers on the 6051 must be identical to the SAS report
 - iv. Seized items of a similar nature (Ex: 2 Puerto Rican birth certificates) may be entered on the SAS Report and 6051 as a SINGLE line item

Instructor Notes: DEMONSTRATION: Review “mock” evidence bag that corresponds with the above “mock” 6051 forms (EPO #2) and evidence (EPO #1). Discuss how the fields on these items mirror those of the 6051. Discuss fields for (b)(7)(E) generated numbers. A copy of the evidence bag containing evidence has been provided in the student course material.

Because the completion of the 6051 generally occurs at the same time as the completion of the evidence bag, remind students of teaching points in EPO #2, specifically how to decide how many 6051 forms and bags to use.

2. Transport evidence
 - a. High Risk property/evidence
 - i. Firearms/Ammunition
 1. Render safe/inoperable
 2. ATF, NCIC, TECS checks
 3. Separate ammo from firearm
 4. Follow ERO Tasking March 2009/ERO 11156.1 Property Protocols
 - a. HSI or seek assistance from OLEA
 - b. Complete I-44 in ENFORCE
 5. If ERO must seize/detain
 - a. Complete 6051S/D on scene and I-44 in ENFORCE
 - b. Ensure SFI records in FACTS
 - c. Send to NFFTU with proof of:
 - i. Judicial Forfeiture (criminal prosecution);
 - ii. Abandonment – DHS-4607; or,
 - iii. Documentation showing we cannot return firearm because that would place owner/possessor in violation of 18 USC 922(g)(5)



2. type of examination being requested
 3. where evidence and report are to be returned
 4. urgency of request
- iii. Check with the other agency or lab first to see if they have their own laboratory request form as well as their own chain of custody form

Instructor Notes: BLOCK 1 BREAK POINT - summarize this block of instruction and ensure the following was covered:

- The objective for that block of instruction was met
- Summarize the information
- Remediate by reviewing in greater detail or giving the student additional practice
- Preview of what is to come in the next block on instruction (sets expectations for future learning)

Instructor Notes: BLOCK 2 START POINT: Training day 12

Bring the students back into the lesson by doing the following:

- Re-motivate the students by asking "Why is EVIDENCE essential to their jobs?"
- Reorientation to EVIDENCE via Advanced Organizer (AO)
- Tell the students what to expect in this block of instruction and how it builds on the previous block.
- Briefly review previous lesson's key topics
- Ask if anyone has any questions about the previous lesson

TO AID WITH MOTIVATOR, REORIENTATION VIA AO and TODAY'S AGENDA:

Begin by reviewing what students already know, i.e., how to seize, establish COC, transport and store evidence or contraband. This is similar to the ERO officer's rules on dealing with alien property in that items are inventoried, receipts are provided, forms require witnesses and entries are made in logbooks.

Orient the students to this EPO (ENFORCE entry) by using the above discussion. Expand on the ERO officer's role by discussing WHAT>>>> the fact that we will process alien in EABM so we also use that to document the property???

E. EPO #5 – Document evidence in ENFORCE

a. EABM Property Tab

i. Accounts for all seized property and evidence

1. Conveyance
2. Controlled Substance
3. Document
4. Firearms/Ammo
5. Other/Real Estate
6. Currency

ii. Any time an ERO officer seizes or detains property with the intent of using it as evidence, turning it over to another agency, or simply because it is contraband, this item must be recorded in EABM

iii. Establish the relationship of the property to the ENFORCE subject

iv. Enter miscellaneous identifying numbers

v. Document the seizing officer as well as who inventoried the item

b. I-44 drop-down

-
- i. What do I say? – **HOW ABOUT YOU LOOK AT THE TT LP (DFOTP)** and see what might work?
 - ii. Will be printed if the item(s) is/are turned over to another agency, to include HSI

Instructor Notes: DEMONSTRATION: WHAT OTHER DEMO IS THERE? Are we putting an example I-44 in the PW- I think so.

Direct students to the Joe ALIEN ENFORCE screen shots located at O:\ERO Lesson Plans\FOTP-P\Student Thumb Drive\Day 12\EVIDENCE. Have FOTs locate and open these screen shots while instructor displays on the main screen using EVIDENCE power point.

Practice of EPO #5 will occur on TD 13 during Phase 19 of the CCS. FOTs will enter I-44 in EABM. See CCS Guide for further instruction.

Instructor Notes: BLOCK 3 START POINT: Training day 13

Bring the students back into the lesson by doing the following:

- Remotivate the students to why EVIDENCE is essential to their jobs
- Reorientation to EVIDENCE via Advanced Organizer (AO)
- Tell the students what to expect in this block of instruction and how it builds on the previous block
- Briefly review previous lesson's key topics
- Ask if anyone has any questions about the previous lesson

TO AID WITH MOTIVATOR, REORIENTATION VIA AO and TODAY'S AGENDA:

Begin by reviewing what students already know, i.e., how to seize, establish COC, transport and store evidence or contraband. This is similar to the ERO officer's rules on dealing with alien property in that items are inventoried, receipts are provided, forms require witnesses and entries are made in logbooks.

Orient the students to this EPO (DISPOSITION) by using the above discussion. Expand on the ERO officer's role by discussing that rules involved with returning alien property are similar to that of evidence. Just as certain property will not be returned to the alien, certain evidence (forfeitable or of value or abandoned) will not be returned. When deciding how to properly dispose of seized property or evidence, you need to be aware of due process, asset forfeiture policy and law. Dealing with another person's property exposes you to a high level of risk (civil and criminal liability).

F. EPO #6 – Properly dispose of evidence.

Instructor Notes: Practice during CCS Phase 24, Day 13/14 and Evidence P.E. on Day 14/15.

1. Evidence must be retained until:
 - a. Trial
 - b. Appeals completed
 - c. Exceptions
 - i. Defendant becomes fugitive prior to adjudication of case
 - ii. Rule 41 (Court order to return property)
2. Case cannot be closed until evidence is disposed of



While in MCR prior to Phase 9 (ICEEOPLAN) breakout, take a short time to refresh on Evidence LP and allow students to practice evidence collection as follows:

- Divide students into 8 groups of 3, and explain that each group will consist of an evidence custodian (EV), a photographer (PH) and a team leader (TL) who also acts as a search team (ST) member
- Provide each group with the first page of the photo log, the second page of a blank SW, a Room ID form, a 6051S and an evidence bag
- Provide case information:
 - GN16BS##GN0001
 - Joe Alien
 - 123 Main St. Charleston, SC 29405
- Direct groups to search for an item (ex: highlighter) located on their desks
- Observe and ensure students:
 - Post their area with the Room ID form
 - TL/ST member completes top portion of the Room ID form
 - TL/ST member conducts search and, when item is located, calls for EV and PH
 - PH “photographs” (simulation) the item in place and completes the photo log to include listing the item photographed
 - EV collects the item, places it in the evidence bag and completes the 6051S and corresponding fields on the evidence bag
 - TL/ST member completes bottom portion of the Room ID form
 - TL and/or EV completes the 2nd page of the SW
- Collect and review the completed documents for accuracy and completeness

Phase 14:

Refer to the FOTP-P CCS Guide for complete explanation.

Each FOT will execute a criminal SW and AW and search for specific listed evidence. FOT members assigned the role of ST and EV will be expected to complete the following tasks: ST will search and locate evidence; ST will advise the TL and EV of the discovery; EV will collect and package the evidence; EV will complete the DHS Form 6051S; and EV or TL will transport the evidence back to the office (main classroom) and secure in the locker. (EPO #1-3)

Phase 19:

Refer to the FOTP-P CCS Guide for complete explanation.

Each FOT will record property seized in ENFORCE/I-44 tab. (EPO #5)

Phase 20:

Refer to the FOTP-P CCS Guide for complete explanation.



LESSON DESCRIPTION

I. Lesson Title

ERO Physical Evidence

II. Program/Course Title

Field Operations Training Program - Prosecution

III. Description

This course is designed to enable ERO officers to recognize physical or real evidence as well as situations in which an officer may legally seize or detain evidence and/or property, to include abandoned property. Through lecture, demonstration and practice in a case scenario, the students will be able to initiate and record the chain of custody for seized evidence and property, and properly package, transport, secure and dispose of that evidence.

NOTE: The student practice and assessment are described in the FOTP-P CCS Guide, specifically phases 14, 19-20 and 24, and the Day 14/15 Final Practical Exercise (P.E.).

IV. Terminal Performance Objective (TPO)

Conditions: Given a field situation in which a search warrant has been executed, and a search for physical evidence has been initiated,
Behavior: the ERO officer will secure and dispose of evidence;
Criterion: in accordance with the Federal Rules of Criminal Procedures, the Federal Rules of Evidence and ICE policy and procedures.

V. Enabling Performance Objectives (EPOs)

- EPO # 1:** Recognize the type and likely manner in which evidence may be encountered.
- EPO # 2:** Initiate and maintain a chain of custody on evidence.
- EPO # 3:** Package, transport and store evidence.
- EPO # 4:** Request laboratory examination of evidence.
- EPO # 5:** Record evidence in ENFORCE.
- EPO # 6:** Properly dispose of evidence.



LESSON ADMINISTRATION

I. Lesson Title

ERO Physical Evidence

II. Risk Management

Only government vehicles or government rental vehicles will be used. Any accidents or injuries will be reported to the Section Chief or Unit Chief. Risk Assessment Sheets will be completed for the lab and P.E.

III. Facility Requirements

Main classroom with computers equipped with ENFORCE training system (up to 24 students with instructor station with presentation equipment)
2 Break-out rooms with computers equipped with ENFORCE training system (for up to 8 students and 1 instructor)
Raid Houses and Role Players (see FOTP-P CCS)

IV. Transportation Requirements

Students will use government vehicles during the FOTP-P CCS to arrive at and depart from raid house locations in which criminal warrants will be executed.

V. Required Staff

One instructor is required for lecture and demonstration portions of this course. If possible, a secondary instructor, who is a subject matter expert in Federal Rules of Evidence, should assist the primary instructor. All three CCS Coordinators (CCS-Cs) are required for the practice described in CCS Phases 13, 14, 19 and 20 as well as the P.E. Six NFTTU certified tactics instructors (TIs) are also required for the CCS Phase 13/14 and the P.E.

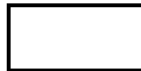
Instructor Preparation: For lecture portion of this class, instructor(s) must be familiar with the Execution of Criminal Warrants LP as well as the ICEEOPPLAN LP as all three are inter-related. For the LABS and P.E., CCS-Cs and TIs must be familiar with the FOTP-P CCS Guide (Phase 12-14, 19-20 and 24 and Day 14/15 Final P.E.).

VI. Academy-Provided Training Aids and Equipment

- Classroom with instructor station and 24 student computers equipped with ENFORCE training database
- Projector and projector screen
- Instructor Guide – ERO Physical Evidence



IX. Attachments



To be attached to the student thumb drive:

- Blank DHS Form 4605 – Currency/Monetary Seizure Inventory
- Blank DHS Form 4607 – Notice of Abandonment
- Sample CF6025 – Seized Property/Evidence Logbook
- Sample DHS Form 6051A – Custody Receipt for Detained or Seized Property (Continuation Sheet)
- Sample DHS Form 6051S – Custody Receipt for Seized Property and Evidence
- Sample DHS Form 366 and DHS Form 366A
- Sample I-44
- ENFORCE screen shots – Joe ALIEN

X. References

- Federal Law Enforcement Training Center, Training Directorate, Enforcement Operations Division, Physical Evidence, September 2004.
- Federal Law Enforcement Training Center, Legal Division, Handbook, 2009.
- U.S. Immigration and Customs Enforcement, Office of Investigations, Evidence Processing, 522.06, December 2008.
- "Procedures for Documenting Recovered Firearms, Ammunition and Contraband", DRO Taskings, March 17 2009.
- "Confiscation and Return of Original Documents", John P. Torres, Acting Director, Office of Detention and Removal, July 14 2006.
- "Confiscation and Return of Original Documents", John P. Torres, Acting Director, Office of Detention and Removal, August 25, 2006.
- USCS Special Agent Handbook, Evidence, Chapter 18, August 11, 1997.
- Federal Rules of Criminal Procedure, Rule 16. Discovery and Inspection, (a) Government's Disclosure, (1) Information Subject to Disclosure.
- Federal Rules of Criminal Procedure, Rule 41. Search and Seizure, (a) Scope and Definitions.
- Federal Rules of Evidence, Rule 901(a), Requirement of Authentication and Identification.
- Homeland Security Investigations, "Search and Seizure Handbook", HSI HB 10-05, August 18, 2010.
- Custom and Border Protection, "Seized Asset Management and Enforcement Procedures Handbook", HB 4400-01B, July 2011.
- ERO 11156.1, Enforcement Operations Property Protocols, 12/3/12
- Enforcement and Removal Operations, EABM I-44 PROCESSING GUIDE



Behavior: the ERO officer will secure and dispose of evidence;
Criterion: in accordance with the Federal Rules of Criminal
Procedures, the Federal Rules of Evidence and ICE policy
and procedures. .

B. Enabling Performance Objectives (EPOs)

- EPO # 1:** Recognize the type and likely manner in which evidence
may be encountered.
EPO # 2: Initiate and maintain a chain of custody on evidence.
EPO # 3: Package, transport and store evidence.
EPO # 4: Request laboratory examination of evidence.
EPO # 5: Record evidence in ENFORCE.
EPO # 6: Properly dispose of evidence.

III. Review of the Past

To proceed with the lesson, it is imperative that students are clear on the types of evidence that may be presented in court. ERO officers will also need to understand the difference between seized and detained property.

Evidence: Something that furnishes proof. Offered in court to prove or disprove a fact that is at issue in a trial, e.g., an element of the crime, a defense, or credibility of a witness.

Physical or Real Evidence:

A material object; something you can touch or see. [ex: drugs, IDs]

Physical evidence is classified into two categories:

Non-forfeitable –property seized for evidence only. It is not subject to forfeiture provisions. If possible, return to the rightful owner. [ex: IDs and business records]

Forfeitable – property seized for evidence and is subject to forfeiture under some statutory provisions. [ex: money, conveyances, jewelry]

Testimonial Evidence:

A statement made by a witness in court under oath.

Documentary Evidence:

Written documentation that establishes the truth of some matter.

Seizure: An object is seized when the government meaningfully interferes with an individual's possessory right or interest. Per ERO 11156.1, seizure is taking physical possession and/or control of property.

Detention: The withholding release of property pending a decision to seize.

Purpose of Forfeiture: To take property wrongfully used or acquired; to deny criminals the instruments or profits of their criminal activity; or, to exact a penalty against a property used or acquired in connection with prohibited activity.

PT

- Minimum of two 
- May complete the booking process
- I-247 (ENFORCE)
- Follow ICEEOPPLAN regarding transportation location
- SECTOR



Team Breakout

- Team B- (b)(6),(b)(7)(C) Rm 275
 - Team C- (b)(6),(b)(7)(C) -Rm 266
-
- Make phase leader assignments
 - Make TECS CM assignments
 - Make P.E. assignments



Course Description

Instruction / CCS (26 phases/labs) / P.E.

Lab assessment checklists

P.E. skills assessment checklists (see thumbdrive)

Simulated field situation which integrates all of the instruction and includes:

- **Completing an I-138;**
- **Presenting case;**
- **Applying for criminal warrants;**
- **Preparing and briefing plan;**
- **Executing warrants;**
- **Handling evidence;**
- **and, Managing case in TECS CM and Pros File Folder**



Course Agenda

Refer to the three-week schedule

Topics We'll Cover:



- SW Tactics
- M4 (Lunch at NWS)
- ERO Prosecutions – 7 blocks
- TECS CM - 3 blocks
- Prosecution File Folder
- Report Writing
- Execution of Warrants
- Evidence -2 blocks
- SEN
- ICEEOPLAN

SPECIAL DIETS?



Evaluations and Testing

P.E./Skills Assessment Checklist

- SEN-Phase 17 Day 13 ☐
- ERO Prosecutions – Phase 22 Day 13
- TECS CM/Report Writing-Phase 25 Day 14
- Prosecution File Folder-Phase 26 Day 14
- P.E.- New Case- Days 14 and 15
 - Tactics
 - ICEEOPPLAN
 - Execution of criminal warrants (CRITICAL)
 - Evidence (CRITICAL)

****Checklist located on student thumbdrive**



Team Breakout



- Make phase leader assignments
- Make TECS CM assignments
- Make P.E. assignments
- Prep for Phase 1 and 2



ICE Documents

A-file documents and more



- Immigration Documents
- TECS records
- Significant Event Notifications (SEN)
- SEACATS (S/A/S) Incident Reports (EX: Incident Report)
- Memoranda
- Letters
- Custody Receipts (DHS Form 6051S)



Your Prosecution Folder

Everything from Phases 1-4



- Copies from A-file
- Printouts from DHS databases
- Printouts from outside databases
- Documents from Sgt. Johnson
- I-138 results
- TECS Case Opening
- ICE Form 73-004

E-copy on thumb drive can also be used



Goal of the Lesson



- **Condition:** Given a field situation, requiring enforcement of the criminal provisions of Titles 8 and 18, United States Code (USC),
- **Behavior:** the ERO officer will be able to take notes and statements, and develop them into investigative reports,
- **Criterion:** in accordance with the TECS CM User Guide, FRCrmP and the FRE.



Structuring the 5Ws

(Review TECS Case Opening)

When	Who	What	Where	Why	And the result; or so what.
On WHEN	WHO performed action	WHAT action verb	WHERE was incident or event	WHY	Resulted in what
WHEN Day 1	WHO ERO Charleston	WHAT received information	WHERE CCDC	WHY TAMPICO is a reentry	Resulted in what Prosecution is accepted



5 Requisites of a Good Report

Let's look at your TECS CM documents (ROI # 1) and review these requisites



- Accurate
- Complete
- Concise
- Clear
- Objective



Practice Report Writing

Mock Interview Notes

- You have the victim interview notes
- Tomorrow each of you will WRITE the MOI (ROI #3) using these notes
 - Use ROI #1 or #2 as a goby
 - Have your CCS-C review
- Each TEAM will then complete Phases 6-7, TECS CM ROI #2-#3



TPO / EPOs

Given the acceptance/declination of a criminal prosecution case, the ERO officer will utilize TECS CM, in accordance with the user guide and established ICE policy.

- Open a case in TECS CM (CM 79)

- Enter ROIs and link Subject Records (CM 83 #1)

- Enter INCIDENT report (CM 83 #2), Hours (CM 81 #1) and Stats (CM 81 #2)

CASE MANAGEMENT

You are already responsible for managing administrative cases in ENFORCE using EABM, EADM and EARM.

Open criminal cases in TECS just like you enter screenings and interviews in EABM

Enter reports to include arrests just like you do in EABM

Link records and update stats and hours just like you do in EARM

Group Code

Free field used to distinguish sub-office under the FOD:

3-letter EVENT code (ENFORCE)

At the discretion of the FOD

TECS Sends to Supervisor:

Case Opening Approved by
Supervisor

END OF BLOCK ONE

REVIEW

What type of ERO cases are entered into TECS CM?

What is the case category ERO will always use?

Why do you need to enter a group code?

What is the program code ERO will always use?

PREVIEW

Practice opening case on Joe -ALIEN

Block 2: ROI Lesson

Practice entering ROI on Joe -ALIEN

START OF BLOCK TWO

REVIEW

Criminal cases are tracked in TECS CM like administrative cases are tracked in ENFORCE

You have already learned how to open a case in CM79, and have practiced on Joe ALIEN

PREVIEW

Discuss CM83 #1 (ROI) and Subject Records

Practice entering ROI on Joe ALIEN

Phase 4-5 – Open TAMPICO case and enter TAMPICO ROI #1 and subject record(s)

ACCESS CONTROL

Determine which groups of TECS users may view the record

In general, the access level should allow as many users as practical

ERO cases cannot be set to an access level with less restriction than a 3

TECS Sends to Supervisor:

ROI Approved by Supervisor

START OF BLOCK THREE

REVIEW

Criminal cases are tracked in TECS CM like administrative cases are tracked in ENFORCE

You have already learned how to open a case, enter an ROI and link a subject record.

PREVIEW

Review writing standards for ROI's

Report Writing lab – ROI #2 and ROI #3

Phase 6 – ROI #2 and Linkage

Phase 7 – Practice Report Writing, ROI #3 and Linkage

START OF BLOCK FOUR

REVIEW

Criminal cases are tracked in TECS CM like administrative cases are tracked in ENFORCE

You have already opened your case (CM79) and entered many ROIs (CM83 #1)

You have followed TECS writing standards to draft ROIs

PREVIEW

CM83 #2 – Incident Reports

CM81 (#1 and #2) – Stats and Hours

SEACATS Incident Menu Selection

#1 – Add full length incident

PORT CODE = Used by respective HSI office

ENFORCE # - interoperability

Don't forget to manually enter case number in the summary information screen!!!!

TECS Sends to Supervisor:

Incident Report Approved by
Supervisor

TECS Sends to Supervisor:

Stats Approved by Supervisor

Enter related Interim ROIs

Link Subject

Closing Stat must be approved before
closing ROI entered

TECS Sends to Supervisor:

Hour and Closing Stats Approved
by Supervisor

Enter Closing ROI

Link Subject

PROPERTY/EVIDENCE

RECORDED IN ENFORCE

JOE ALIEN Screen Shots

TD 2 - Joe Alien folder

TD 12 – Evidence folder

Covered during EVIDENCE Block 2

END OF BLOCK FOUR

FINAL LABS

Phases 21 – ROI #5

Phase 23 – ROI #6 and “IN” Stat

REPORT WRITING and TECS CM P.E.

Phase 25 – WRITE CLOSING ROI and enter ROI #7

PROSECUTION CASE FILE FOLDER P.E.

Phase 26 – Finalize Prosecution Case File Folder



Corrections/Jail Databases



- Corrections databases often assist in identifying and locating fugitives already in custody.
- Accurate telephone numbers, addresses, personal data, next of kin
- Logs and identification of family and visitors



U.S. Immigration
and Customs
Enforcement



State and Local Courts



- **Recent arrests and arraignments**
- **Next appearance date**
- **Judge and courtroom information**
- **Decisions and Appeal information**





Sex Offender Registries



- Must register current address and employment information
- Recent photos, and description of previous offenses and charges
- All 50 states are documented on the FBI's Crimes Against Children Directory
- Risk assessment



U.S. Immigration
and Customs
Enforcement

Interpol



- International database of fugitives and wanted persons
- Criminal warrants, extradition, international liaison (FBI cooperation)
- Drugs, terrorism, human-trafficking, and organized crime



U.S. Immigration
and Customs
Enforcement

Enforce, NSEERS, & Ident/US Visit



Password/Account Maintenance for
Enforce, Ident, and US-Visit
databases

Event control options

Weekly statistics and reports

Training



U.S. Immigration
and Customs
Enforcement

(b)(7)(E)

2014-ICEO-01578_002068



Satellite Imagery

Satellite Imagery provides aerial observation of a specific location and the surrounding area.

This is beneficial in determining possible escape routes, perimeter set-up, and operation/surveillance planning.

There are many excellent websites that utilize this technology:

Imapdata (requires password), Google Earth, and Local Live



U.S. Immigration
and Customs
Enforcement

Other Internet Checks

Hospital Record Checks

City, State, and Local Police Department Records

County Property Assessment Records

Taxing Authorities

Department of Motor Vehicles

Reverse Phone/Address/Email Directories

Credit Bureaus



U.S. Immigration
and Customs
Enforcement

The Legal Department

Appeals checks, Justice & Commitment Records, and court decisions can often be verified through court databases such as PACER.

Each state maintains extensive court records, most are slowly becoming available online.

Build a list of Local, State, and Federal Court websites that can be easily utilized, and maintain a strong working relationship with the office of the Court Clerk.

(b)(7)(E)



U.S. Immigration
and Customs
Enforcement

U.S. Immigration and Customs Enforcement Lab Exercise Plan

Continuing Case Scenario Instructor GUIDE

Lab Exercise Guide

I. Instructor/Evaluator Preparation

Instructor Notes: TD 1: 0930 - 1130

During the 2-hour CCS introduction class, the FOTP-P coordinator, CCS coordinators (CCS-C) and a LEGAL instructor will provide an overview of the entire FOTP-P course, to include the Motivation, Objectives, Review of Prerequisites and Agenda.

The 24 students will then be equally divided into 3 Field Operation Teams (FOTs). Each group will be assigned a CCS-C who will be present with their group during all CCS Phases.

A. Motivation

You are here because you are a member of one of ERO's progressive enforcement teams. Inevitably, you will become aware of individuals illegally present in the United States who are in violation of federal law. Those individuals who constitute the most serious enforcement challenges for ERO and who pose the greatest threat to the community, such as aliens with reentry and significant recidivism records, smugglers, fraudulent document vendors, and violent criminal aliens, will be presented to the U.S. Attorney's Office (USAO) for criminal prosecution. But criminal prosecutions can involve much more than just presenting a case and providing reports and documents to the assigned Assistant U.S. Attorney (AUSA). There are a multitude of skills you will need to possess as well as a working understanding of the criminal justice system in order to successfully prepare and present cases to an AUSA. This FOTP-P course will educate you on managing a criminal prosecution from the initial lead all the way through the completion of the criminal proceedings, to include disposing of evidence.

Lead information may come to you by way of other aliens, law enforcement officers, witnesses or victims. These sources will need to be interviewed and the information may need to be memorialized in the form of a sworn statement. Notes and statements will have to be developed into a variety of reports, all of which will aid in documenting the development and progress of the investigation/case and in presenting it for prosecution. You will have an opportunity to practice not just obtaining information from a source, but further developing that lead by way of additional records checks and requests for information. Your oral and report writing skills will be enhanced as you practice presenting the case to an AUSA in a logical and concise manner. Additionally, you will be provided with many example reports and forms that can be used as guides while working in the field.

Once accepted for prosecution, a multitude of investigative steps, not typically followed for a straight-forward 8 USC 1326 case, may be used to further develop the case, i.e., to strengthen the proof necessary to establish the elements of other federal violations. TECS Case Management is the mandatory reporting tool used by ERO officers to document and manage the prosecution case, including all of the possible investigative steps, e.g., victim interviews, surveillance notes, and administrative subpoena results. You will practice opening and modifying a case, creating and uploading investigative reports, creating and linking subject records to those cases, and manually managing statistics. You will also have many example narratives that can be used as guides when you report back to your duty stations.



Working with the AUSA, a decision may be made that the best course of action is to obtain a criminal arrest warrant (AW) and/or search warrant (SW) prior to encountering the criminal alien. In order to ensure the successful execution of the AW and/or SW, an FOT will need to have a written plan. You will practice preparing an ICE Enforcement Operation Plan (ICEEOPPLAN) prior to the execution of a criminal warrant. Basic team tactics will be expanded to include Perimeter, Approach, Stacking, Breaching and Warrant Service Entry. You will also be guided in the proper procedures of executing a criminal warrant, with an emphasis on safety and legality.

Taking another person's property means you are exposed to a significant risk of civil and/or criminal liability based on claims that may be made. You need to be aware of due process, asset forfeiture policy and the law so that you can correctly seize contraband and evidence found during the normal course of your duties, including the execution of a SW. You will practice locating and seizing evidence to include initiating and recording the chain of custody, and properly packaging, transporting, securing and disposing of that evidence or property.

ERO officers are mandated to maintain case file folders for each criminal prosecution. These folders contain documents used as evidence during judicial proceedings, and proper preparation and storage of these folders is critical in maintaining the integrity of the case. By the end of this CCS, you will have a complete prosecution case file folder containing many of the documents you may have in an actual criminal case, which can be used as a guide for cases you will be presenting in the future.

B. Orientation: (TD 1: 0930 – 1130)

Instructor Notes: Each student will sign out ICE academy property to include Thumb Drive. Students will keep assigned thumb drive with them during the duration of the course and return on the last day after making a copy on a CD.

****Advise students to work off the thumb drive rather than download onto H drive as it will slow down all computers and lead to time management issues.**

Each FOT member will prepare and maintain their own prosecution file folder during this course; however, the lecture and demonstration will not be conducted after Phase 4. Documents needed for the CCS are provided in the PWs while forms needed to be produced are provided on student thumb drives. CCS phases are considered TEAM practice, and lead to TEAM P.E.'s.; however, each individual student will need to maintain their own prosecution case file folder.

OPTION: CCS-C may choose to print and/or make the extra copies for their respective FOT. Given time constraints and TECS issues, it may not always be possible for the FOT members to do their own printing/copying.

i. INTRODUCTION

1. FOTP-P coordinator will introduce self
2. CCS-Cs will be introduced as Supervisory Detention and Deportation Officers (SDDO) located at the Charleston, SC ERO office under FOD Glynco
3. Legal instructor(s) will be introduced as the Assistant United States Attorney (AUSA) located in Charleston, SC

ii. Field Operation Teams A through C

1. Students will be divided into three teams of eight (FOT A, FOT B, and FOT C)
2. Each team will be assigned a CCS-C
 - a. Teams A, B and C are ERO FOTs operating in Charleston, SC
 - b. Each member is responsible for contributing to the efforts of the team
 - c. Each FOT is responsible for the identification, apprehension, and criminal prosecution of a Priority 3, Level 1 target alien

- d. Successful completion of the case will depend on each of the FOTs being provided information as well as completing their own work
3. Review the three-week FOTP-P class schedule
 - a. Each block of instruction is followed by a related CCS phase
 - b. During the block of instruction, material will be presented and, when appropriate, demonstrated
 - c. During the subsequent CCS phase, students will practice what was learned (LABS)
 - d. The CCS-C will offer feedback and, if warranted, provide additional practice
 - e. As the CCS progresses, designated phases will test what the students have practiced in previous phases (P.E.)

Instructor Notes: FOTs will proceed to BREAKOUT ROOMS

Use the Phase Leader Assignments document [ERO Share Drive, FOTP-P folder, CCS folder, CCS Orientation].

Although there will be a class president responsible for party and shirts, each FOT should select one member to be the overall TL responsible for ensuring members are accounted for (especially with M4 class at NWS). The TL will be assigned student number 7 [see below for further explanation].

Each FOT member is required to take lead, or otherwise perform required task, in at least three lab phases, one P.E. phase, and one TECS entry. Assign all phases (LAB and P.E.) during this initial meeting using the Leader Assignment document. Each Phase already lists the student number; however, how each FOT is assigned these numbers is up to the CCS-C. Option 1: Randomly assign each student a number, e.g., pulling numbers out of a hat. Option 2: Ask students to choose their number based on preference for certain assignments.

Provide FOT with a copy of the completed Assignment sheet.

REMINDER: The majority of the documents expected to be produced have already been drafted. FOTs will only have to make minor changes or adjustments rather than write from scratch. Report writing occurs during Phases 7, 11, 17 and 25.

TIME CONSTRAINTS: Due to the length of time it takes for computers to log-on, discuss ways to save time when moving over to break out rooms, e.g., always sitting at same desk, staying logged on with computer locked, or logging on BEFORE 0730 start time.

FINALLY: Direct students to the handouts for Phase 1 and 2 in their PWs when preparing for TD 1 afternoon CCS.

iii. FOT and CCS-C Meeting

1. FOT and CCS-C will break out into separate rooms
2. Lab phase leader assignments:
 - a. Phase 2: I-138
 - b. Phases 3, 10, 12 and 18: oral presentation, briefing or testimony
 - c. Phase 7: write MOI
 - d. Phase 8: court documents (entire FOT will have a role)
 - e. Phase 9: ICEEOPPLAN
 - f. Phase 11: SPEAR
 - g. Phases 13,14 and 24: Team Leader (TL) and Evidence Custodian (EV)
 - h. Phase 19: EABM and I-44
 - i. Phase 20: CIS Letter and FDL request
 - j. Phase 24: 3 Memos to File
3. TECS CM assignments:
 - a. Phase 4 – Open Case
 - b. Phase 5 – ROI #1
 - c. Phase 6 – ROI #2
 - d. Phase 7 – ROI #3

- e. Phase 15 – Incident “AR” Report
- f. Phase 16 – ROI #4
- g. Phase 21 – ROI #5
- h. Phase 23 – STATS and ROI #6
- 4. Testable phases, i.e., P.E.’s:
 - a. Phase 17: SEN (SIR)
 - b. Phase 22: ERO Prosecutions (Grand Jury)
 - c. Phase 25: TECS Case Management (ROI #7)
 - d. Phase 25: ERO Report Writing (ROI #7)
 - e. Phase 26: Prosecution File Folder (Closed Case)
 - f. P.E. days 14-15: ICEEOPLAN, Execution and Evidence
- 5. ALL students are required to prepare and maintain a prosecution case file folder
- 6. Prepare students for Phases 1 and 2 (Review of DFOTP SOI)
 - a. Your office has just received information from the Charleston County Detention Center (CCDC) regarding a criminal alien who was inadvertently released
 - b. The information provided is located in your participant workbook under the “CCS Phases 1 and 2” tab
 - c. Each FOT will develop the lead, determine what federal violations have occurred, present the case for prosecution, locate and apprehend the target, and manage the case through the completion of criminal legal proceedings
 - i. FOT A = [REDACTED] 1325 Register Rd
 - ii. FOT B = [REDACTED] (b)(6),(b)(7)(C) = 1327 Register Rd
 - iii. FOT C = [REDACTED] = 1328 Register Rd

II. Student Practice (Phases)

A. Phase 1 (TD 1: 1430 - 1530)

Obtain and document lead information, and evaluate that lead to determine if an illegal alien is amenable to criminal prosecution.

Instructor Notes: FOTs will proceed to BREAKOUT ROOMS

SEE FOTP-P Coordinator for your teams A# which has been pre-determined prior to the start of this course. Each FOT will receive generic information on TAMPICO from Sgt. Johnson of the CCDC and should be directed to their PW (Version A, B or C) containing their specific information.

- i. LEAD from CCDC [REDACTED] (b)(6),(b)(7)(C) – Records and Release)
 - 1. [REDACTED] (b)(6),(b)(7)(C) was arrested last night for “DUI”
 - 2. HMC provided the arresting officer with a valid SC DL [REDACTED] (b)(6),(b)(7)(C) bearing address [REDACTED] (b)(6),(b)(7)(C) North Charleston, SC, 29405
 - 3. HMC was released on a bond prior to fingerprint results being returned
 - 4. Subsequent to release, the submission of HMC fingerprints during the booking process resulted in a positive match to [REDACTED] (b)(7)(C) (DHS Automated Biometric Identification System). The IAR (Immigration Alien Response) indicated HMC is actually [REDACTED] (b)(6),(b)(7)(C) Costa Rica, A#####, a previously deported aggravated felon.
 - 5. TAMPICO a/k/a HMC was given back his SC DL and has since retrieved his vehicle from impound.

- ii. FOT and CCS-C team meeting
 1. What did the FOT learn from the information provided?
 2. Discuss next steps to be taken (Phase 1 leads directly into Phase 2)

Instructor Notes: Can FOT identify WHO target is (b)(6), (b)(7)(C) WHAT possible violations exist (Recentry, False claim, Fraud does, ID theft), WHERE target located (132# Register Road), WHEN target last encountered (TD 1), HOW info can be verified (student answers should at a minimum include: A-file review, records checks and admin subpoena).

B. Phase 2: (TD 1: 1530 – 1630)

Review A-file and obtain information from DHS databases as well as outside sources and agencies in order to further verify the investigative lead, establish the elements of any additional crime(s), and develop the criminal case.

Instructor Notes: Ensure FOT carefully reviews the DMV application, specifically the final section which lists the ID submitted to include proof of citizenship and proof of residency as it indicates (b)(6), (b) showed a BC and SSN card as well as a water bill. Send the I-138 to the water company. Per POLICY and DHS Handbook for SPII, the A# must be protected since the outside agency has no need to know; therefore, the A# should be left off of the I-138.

- i. A-file review
 1. A-file is available for immediate review
 2. Locate documents establishing 8 USC 1326(a) and (b)(2)
- ii. Discuss all mandatory and applicable records checks to be completed, including but not limited to:
 1. TECS and NCIC
 2. CIS and CLAIMS
 3. ACCURINT (CLEAR) and SC DMV
- iii. I-138 – ICE Admin Subpoena
 1. Complete the I-138
 - a. Address to “Charleston Water System”
 - b. ICE Administrative Subpoena Log
 2. Receive the information back

C. Phase 3 (TD 3: 0830 – 0930)

Presents the facts of the case to the USAO to: determine if the case will be accepted for criminal prosecution; discuss which criminal violations are already known to have occurred and which need to be further established; and, determine the schedule of events including contact with other DOJ and Court entities.

Instructor Notes: FOTs will proceed to BREAKOUT ROOMS

PROP: LAW BOOK. Legal instructor has reviewed all KNOWN and POSSIBLE criminal violations during the demonstration portion of ERO Prosecution lecture. FOTs are expected to articulate the violation of 8 USC 1326(a) and (b)(2) and 18 USC 911 (multiple counts).

CCS-C acts as AUSA during this phase: accept case; discuss other potential charges to include 18 USC 1028(a)(1), (a)(6), (a)(7), and 1028A; request FOT obtain a victim statement and conduct surveillance at target location; and, advise court documents will be due on TD #11, for presentation to the USMJ.

Use PHASE 3 INSTRUCTOR SCRIPT as a guide for what to say and how to direct the “presentation”. Provide FOT feedback regarding any mistakes or improvements to be made, based on answers listed on the script sheet.

- i. FOT and CCS-C Meeting

Review all of the information derived from Phases 1 and 2 to prepare for oral presentation of case to the AUSA

 1. How will you introduce yourself and explain your duties?
 2. Background information (explain all fact known to date)

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
AND REMOVAL OPERATIONS**



Policy Number: ERO 11152.1 Enforcement and Removal Encounters

Issue Date: 7/29/2011

Effective Date: 7/29/2011

Review/Expiration Date: 7/29/2015

Superseded: None

Federal Enterprise Architecture Number:

1. **Purpose/Background.** This directive identifies requirements and provides general procedures for using the Enforcement Integrated Database (EID) as ERO's electronic system of records for administrative processing of foreign born nationals. EID is the U.S. Department of Homeland Security's (DHS) shared database repository for several DHS law enforcement and homeland security applications and is currently accessed through the Enforcement and Case Tracking System (ENFORCE) application.
- 1.1 The purpose of the directive is to support the identification and arrest of individuals (both citizens and noncitizens) who commit violations of Federal criminal laws enforced by DHS.
2. **Policy.** All ERO law enforcement officers will document foreign born national encounters in the EID (e.g., using the ENFORCE application).
3. **Definitions.**
 - 3.1. *Encounter:* the interview, screening, and determination of citizenship, nationality, and legal rights of any person in the United States at any time.
 - 3.2. *Interview:* a formal meeting in which a law enforcement officer questions a person believed to be an alien about citizenship, nationality, and the legal right to be in the United States.
 - 3.3. *Screening:* the process of verifying the identity of a person through biographic and or biometric identifiers.
 - 3.4. *Biographic identifiers:* personal information obtained from a person or third party (e.g., name, address, social security number, driver's license).
 - 3.5. *Biometric identifiers:* identity analysis of physical samples obtained from a person or provided by a third party (e.g., fingerprints).

- 3. What are the criminal violations?
- 4. What information is needed by the USAO?
- ii. Presentation
 - 1. CCS-C will role-play as the "AUSA"
 - 2. LEGAL instructor will be available for further discussion
 - 3. "AUSA" will:
 - a. Direct the FOT to obtain victim statement and conduct surveillance
 - b. Provide schedule for presenting federal court forms and all supporting documentation to the U.S. Magistrate [training day #6 (Phase 8) and training day #11 (Phase 10)]



D. Phase 4 (TD 3: 0930-1030)

Open a criminal case in TECS CM and upload the case summary.

Instructor Notes: FOTs will proceed to BREAKOUT ROOMS. TECS training logins for each FOT are as follows:

(b)(7)(E)

To better manage this class, the student assigned to this phase will move to the instructor station while the remaining team members observe and assist from their desks.

A pre-written case summary is located on the student thumb drive. All students will make minor adjustments to fit their specific target, e.g., full name, A#, and training day dates; however, only the assigned team member will upload the summary into TECS CM.

Once completed, conduct the Supervisory Approval (SA20) and verify for accuracy and completeness and approve. Provide FOT feedback and additional practice if needed. Time constraints may require the SA20 be conducted after-hours and feedback provided during the beginning of the next TECS phase (Phase 5).

Each FOT member will need a copy of the case opening to place in 1st section of the file folder. **(Prosecution Case File Folder instruction will be given on Day 4 before next phase)**

- i. CM #79
 - 1. Open case (#1)
 - 2. Enter information relating to specific target to include correct dates
- ii. GOBY case opening SUMMARY
 - 1. Assigned thumb drives contain "goby" summary
 - 2. Each FOT will modify "goby" with reference to name, A# and dates
- iii. Supervisory Approval (SA20)
 - 1. Case opening to be reviewed and approved by CCS-C
 - 2. Report back to assigned FOT any errors found
- iv. Prosecution Case File Folder
 - 1. FOTs will receive instruction on Day 4
 - 2. Print (print screen) the entire case opening
 - 3. Place a copy in the Prosecution File Folder

E. Phase 5 (Day 3: 1030 – 1130)

Create an opening ROI in TECS CM and upload the case synopsis and narrative.

Instructor Notes: FOTs will proceed to BREAKOUT ROOMS.

Reminder: FOT members assigned to any TECS phase will move to the instructor station.

A pre-written ROI #1 is located on student thumb drive. All FOT members will need to make minor adjustments to fit their specific target, e.g., full name, A#, and training day dates. FOTs should also create a subject record (person and vehicle) to link to ROI. Ensure the case number is included in the record(s).

Time permitting, conduct the Supervisory Approval (SA10) and verify for accuracy and completeness and approve. Provide FOT feedback and additional practice if needed. If the SA10 is conducted after-hours, provide feedback during the beginning of the next TECS phase (Phase 6). Allow entire class to know of any issues and make corrections on main screen so that all have an opportunity to observe and learn.

Each FOT member will need a copy of ROI #1 and link list to place in Prosecution folder; however, lecture and practice will not occur until Day 4. **(MAY NEED TO FINISH ON TD 5)**

i. CM #83

1. Enter INITIAL ROI (ROI #1)
2. Enter information relating to your specific target to include correct dates
3. Create and link - a subject record for (b)(6),(b)(7)
4. **OPTIONAL:** Create and link a subject record for (b)(6),(b)(7)(vehicle

ii. (b)(6),(ROI #1 SYNOPSIS and NARRATIVE

1. Thumb drives contain "goby" synopsis and narrative
2. Each FOT will modify "goby" with reference to name, A# and dates

iii. Supervisory Approval (SA10)

1. ROI to be reviewed and approved by CCS-C
2. Report back to assigned FOT any errors found

iv. Prosecution Case File Folder

1. FOTs will receive instruction on Day 4
2. Print (print screen) the entire ROI
3. Place a copy of ROI #1 to include link list for subject record(s) in their respective Prosecution File Folder

F. Phase 6 (TD 5: 0830-1000)

Create an interim ROI in TECS CM and upload the case synopsis and narrative.

Instructor Notes: FOTs will stay in BREAKOUT ROOMS

REMINDER: Upon completion of the REPORT WRITING Lab, the FOT member assigned to this phase must move to the instructor station. If not complete, first finish ROI #1 (Phase 5).

Refer students to Surveillance Notes contained in their PW, and remind that on TD 4, surveillance was conducted at the target location. A pre-written ROI #2 is located on the student thumb drive; however, each student has already modified ROI #2 to match their respective surveillance notes. **(NOTE: This may have been completed on Day 4 during Report Writing class).** The assigned FOT member should then enter ROI #2 in TECS CM, upload from their thumb drive, and link the subject records [Person and Vehicle] created in Phase 5.

Once completed or during after-hours, conduct SA10, verify for accuracy, completeness and approve. Provide feedback and additional practice when feasible.

The FOT's have received instruction on the prosecution case file folder, and should have already filed previously obtained documents. Check that each member has: updated Case Chron to include, at a minimum, date of lead, case acceptance, surveillance and all TECS CM entered; placed case opening in 1st section; placed ROI # 1 and #2 in 2nd section; placed all ICE docs in 4th section, placed outside agency docs in 5th sections; and, placed officer notes, fingerprints, and photos in the 6th section of the file folder.

- i. CM #83
 - 1. Enter INTERIM ROI (ROI #2)
 - 2. Enter information relating to your specific target to include related training dates
 - 3. Link subject record for (b)(6),(b)(7)
- ii. (b)(6),(b)(7) ROI #2 SYNOPSIS and NARRATIVE
 - 1. Thumb drives contain "goby" synopsis and narrative for ROI #2
 - 2. Use "surveillance notes" provided to modify the "goby" ROI with reference to date, time and results of surveillance
- iii. Supervisory Approval (SA10)
 - 1. ROI to be reviewed and approved by CCS-C
 - 2. Report back to assigned FOT any errors found
- iv. Prosecution Case File Folder
 - 1. Case Chronology and Review Form
 - 2. Print (print screen) the entire ROI
 - 3. Place a copy of ROI #2 to include subject record in respective Prosecution File Folder
 - 4. Place a copy of the "surveillance notes" in respective Prosecution File
 - 5. Ensure documents from phases 1-5 have been placed in the Prosecution File Folder.



G. Phase 7 (Day 5: 1000-1130)

Write an investigative report, create an interim ROI in TECS Case Management, and upload the case synopsis and narrative.

***Instructor Notes:* FOTs will proceed to BREAKOUT ROOMS**

REMINDER: FOT member assigned to phase will move to the instructor station.

Refer students to the "victim interview notes" contained in their PW, and remind that on Day 4, HMC was telephonically interviewed. Each student has already drafted a MOI in WORD during the Report Writing lab. Use Phase 7 GOBY MOI to review and provide feedback to all FOT members.

The assigned FOT member should enter ROI #3 in TECS CM, upload their MOI from their thumb drive, and link the subject record [Person] created in Phase 5.

Once complete or during after-hours, conduct the Supervisory Approval (SA10), verify for accuracy and completeness, and approve. Provide FOT feedback, and provide additional practice if needed.

Have each FOT member: update Case Chron to include date of victim interview and date ROI #3 entered; print or copy ROI #3; place interview notes in the 6th section; and, place ROI #3 in the 2nd section of the file folder.

During phase or after-hours, the CCS-C should review each of their FOT's folders for accuracy and completeness. 1st section contains the up-to-date Case Chron and Case opening; 2nd section contains ROI #1, #2 and #3; 4th section contains the I-138, copy of A-file and DHIS records checks; 5th section contains the admin subpoena results, DMV printouts, NCIC results, and any other non-DHIS database results or reports; and, 6th section contains any officer notes, fingerprints and photos. Any feedback, to include corrections to order or placement of documents should be notated and provided to students.

- i. Write ROI #3 SYNOPSIS and NARRATIVE
 - 1. Use "victim interview notes" provided to write an MOI
 - 2. Save on thumb drive for upload onto ROI #3
- ii. CM #83
 - 1. Enter INTERIM ROI (ROI #3)
 - 2. Enter information relating to your specific target to include correct dates
 - 3. Link subject record for (b)(6),(b)(7)
- iii. Supervisory Approval (SA10)
 - 1. ROI to be reviewed and approved by CCS-C

How We Achieve the Goal

EPO #1: Recognize the type and likely manner in which evidence may be encountered.

EPO #2: Initiate and maintain a chain of custody on evidence.

EPO #3: Package, transport and store evidence.

EPO #4: Request laboratory examination of evidence.



EPO #5: Record evidence in ENFORCE.

EPO #6: Properly dispose of evidence.



HIGH RISK

- Firearms/Ammo ☐
 - Render safe/inoperable (separate ammo)
 - ATF/NCIC/TECS checks
 - Policy (see Thumb Drive)
 - 3/09 ERO Tasking
 - ERO 11156.1 Property Protocols
- Currency
 - Bulk photograph
 - DHS Form 4605 (see evidence kit)
 - Seal bag
- Controlled Substances
 - Bulk photograph and weigh
 - Always call HSI or DEA



START OF BLOCK TWO

REVIEW

- Rules on evidence are very similar to those of alien property
- You have already practiced locating, seizing, packaging, transporting and storing evidence

TODAY ☐

- Joe ALIEN was in possession of a firearm and fraudulent I-55
- These need to be documented in ENFORCE
 - Firearm and I-551 are entered on property tab
 - Two separate I-44s and completed – ATF and HELD



- b. Store evidence and CD in locker
5. Copies of 6051s, officer notes, sketch, photo log, room identification forms, I-247, I-213 and FD-249 filed in Prosecution Case File Folder
6. FOT member feedback and critique

Instructor Notes: TD 12 1230 - 1630

From 1230-1330, FOTs received instruction re: EPO #3 of the ERO Prosecution I.P. They have been advised that (b)(6),(b) was transported to the USMS, appeared before the USMJ, and ordered into USMS custody. An ICE detainee was lodged and an initial event created in ENFORCE. FOTs were provided with the "MOCK" I-213, I-247, and FD-249 in their course materials, which should have placed in their (b)(6),(b) A-file or prosecution case file folder.

From 1330 - 1530, FOTs received TECS CM instruction re: EPO #4 (Incident Report, Case Stats and Hours). They are instructed not to enter the seized property as an "SZ" or "SA" report in TECS due to the lack of relationship with CBP FPF; rather, they are to use the EABM Property Tab to log the seized property.

SEIZURE REPORTING and ENFORCE SCREEN SHOTS

From 1530 - 1630, FOTs received EVIDENCE instruction re: screen shots of the EABM Property Tab entries for the items seized during Phases 13-14. These screen shots are contained on the student thumb drive located at: O:\ERO Lesson Plans\FOTP-Pie - Student Thumb Drive\Day 2\3 ENFORCE.

OPTIONAL: At 1630, Legal instructor may meet with FOT members' assigned phases 18/22 to prepare for

O. Phase 15: (Day 13: 0730 - 1130)

Create an Incident Report in TECS Case Management and upload the narrative.

Instructor Notes: For Phases 15 - 20, FOTs will proceed to their respective BREAKOUT ROOMS.

Phases 16-20 are being conducted simultaneously with Phase 15 during a 4 hour block.

During Phase 15, an "Arrest" incident report will be entered into CM83 #2. FOT should modify the (b)(6) incident report found on thumb drive. The narratives will be uploaded into TECS, and the subject record will be linked.

Once each FOT completes these phases, conduct the Supervisory Approval (SA10) and verify for accuracy and completeness and approve. Provide FOT feedback and provide additional practice if needed.

Have EACH FOT member: update Case Chronology to include, at a minimum, date and results of SW/AW execution, date and results of IA, date Incident Report entered; print or copy Arrest Report; place the evidence 6051s and Incident Report in the 4th section of the file folder; and, place the officer notes, sketches, photo log, and room identification forms in the 6th section of the file folder. The Day 12 I-247, I-213 and FD-249 would be placed in the A-file with a copy in prosecution folder. The fingerprints will be needed for FDL analysis.

- i. CM #83 #2
 1. Enter INCIDENT (S/A/S) using Fiscal Year and violator number "01"
 2. Enter information relating to your specific target to include related training dates
 3. Do not forget to enter CASE number so that the incident (arrest) report is attached to the TECS case
 4. Link subject record for (b)(6),(b)(7)
- ii. (b)(6),(b)(7) NARRATIVE
 1. Thumb drives contain "goby" narrative for the Incident (arrest) report
 2. Use officer notes and booking forms to complete the narrative
- iii. Supervisory Approval (SA10)
 1. Incident report to be reviewed and approved by CCS-C
 2. Report back to assigned FOT any errors found
- iv. Prosecution Case File Folder
 1. Case Chronology and Review Form
 2. Print (print screen) the entire INCIDENT report

3. Place a copy of the INCIDENT report in their respective Prosecution File Folder
- v. Review Stats
 1. CM 81#1 – Enter Case Statistics
 2. Enter case number and select (b)(6), (b)(7) subject record
 3. Observe that an “AR” stat has already been approved

P. Phase 16: (Day 13: 0730 - 1130)

Create an interim ROI in TECS Case Management and upload the case synopsis and narrative.

Instructor Notes: For Phases 15 - 20, FOTs will proceed to their respective BREAKOUT ROOMS.

Phases 15 and 17-20 are being conducted simultaneously with Phase 16 during a 4 hour block.

ROI #4 narrative and synopsis is located on thumb drive, and should be modified and uploaded into CM 83 #1. (b)(6), (b)(7) subject record should be linked. Conduct SA10 and verify for accuracy and completeness and approve. Provide feedback and additional practice if needed.

Have EACH FOT member: update Case Chronology to include, at a minimum, date ROI #4 entered; print or copy ROI #4; and place ROI #4 in the 2nd section of the file folder.

- i. CM #83
 1. Enter INTERIM ROI (ROI #4) by using Case Number
 2. Enter information relating to your specific target to include related training dates
 3. Link subject record for (b)(6), (b)(7)
- ii. (b)(6), (b)(7) ROI #4 SYNOPSIS and NARRATIVE
 1. Thumb drives contain “goby” synopsis and narrative for ROI #4
 2. Use officer notes, booking forms, 6051s, sketch, photo log, and room identification forms to complete the ROI
- iii. Supervisory Approval (SA10)
 1. ROI to be reviewed and approved by CCS-C
 2. Report back to assigned FOT any errors found
- iv. Prosecution Case File Folder
 1. Case Chronology and Review Form
 2. Print (print screen) the entire ROI
 3. Place a copy of ROI #4 to include subject record in their respective Prosecution File Folder

Q. Phase 17: (Day 13: 0730 - 1130)

Prepare a Significant Incident Report.

Instructor Notes: FOTs are in BREAKOUT ROOMS – [REDACTED]

Phases 15-16, 18-20 are being conducted simultaneously with Phase 17 during a 4 hour block.

Use Instructor (b)(6) SIR, SIR Checklist and P.E. SKILLS Assessment Checklist to grade the FOT. Provide FOT feedback, and conduct remediation if necessary.

Have EACH FOT member: update Case Chronology to include, at a minimum, date SIR completed; and, print or copy and place SIR in 4th section of the file folder.

- i. Write SIR using WORD template on Thumb Drive
 1. Thumb drive contains WORD template for SIR (Op Predator)
 2. Use information from phases 13 – 16 and modify (b)(6), (b)(7) narrative to draft SIR narrative
 3. Purpose is to report the follow-up to the (b)(6), (b)(7) i.e., the actual (b)(6), (b)(7)

- execution of the AW and SW on (b)(6),(b)(7)(C) and at his residence
- ii. CCS-C Approval
 - 1. This is the SEN P.E. (use P.E. Skills Assessment Checklist)
 - 2. SIR to be reviewed and approved by CCS-C
 - 3. Report back any errors found, and remediate if necessary
 - iii. Prosecution Case File Folder
 - 1. Case Chronology and Review Form
 - 2. Place a copy of the SIR in their respective Prosecution File Folder

R. Phase 18: (Day 13: 0730 – 1130)
Testify at the preliminary and detention hearing.

Instructor Notes: FOTs are in BREAKOUT ROOMS

Phases 15-17, 19 - 20 are also being conducted simultaneously. Testifying FOT takes about 1 hour, so the other FOTs should work on remaining 4 phases. Advise students that example testimony notes are located at O:\ERO Lesson Plans\FOTP-P\ - Student Thumb Drive\Day 13.

CCS-C and remaining FOT members will accompany testifying officer to the hearing to "observe".

Use Phase 18 PH/DH Instructor CHECKLIST as a guide and provide FOT feedback. Assess on whether he/she establishes (b)(6),(b)(7)(C) violated the elements of 8 USC 1326(a) and (b)(2) and that (b)(6),(b)(7)(C) is a flight risk.

- i. FOT, Legal Instructor and CCS-C Meeting
 - 1. Review A-file and Prosecution File Folder
 - 2. Prepare for testimony
- ii. Testimony
 - 1. LEGAL Instructor will role-play as the "AUSA"
 - 2. USMJ, (b)(6),(b)(7)(C) Defense Attorney, Deputy Clerk, and U.S. Marshal will be role-players
 - 3. One FOT member will testify while the remaining members and CCS-C observe
 - 4. LEGAL Instructor / CCS-C will then critique the student's testimony

S. Phase 19: (Day 13: 0730 – 1130)
Complete the I-44 in EABM to include entries in the property tab, and print the I-44.

Instructor Notes: FOTs will proceed to BREAKOUT ROOMS. (b)(7)(E) training logins for each FOT are as follows (b)(7)(E)

Prior to start of class, CCS-Cs are required to enter an event on (b)(6),(b)(7)(C) using the first 2 screens found on their respective (b)(6),(b)(7)(C) located at O:\ERO Lesson Plans\FOTP-P\CCS Instructor GOBY materials\CCS Phase 19].

Phases 15, 18 and 20 are also being conducted simultaneously.

REMINDER: FOT member assigned to phase will move to the instructor station.

A pre-written narrative is located on the thumb drive. All students will make minor adjustments to fit their specific target, e.g., full name, A#, and training day dates; however, only the assigned FOT member will upload to I-44.

Have student logon to ENFORCE training database and query team event. Use the (b)(6),(b)(7)(C) ENFORCE SCREEN SHOTS located at O:\ERO Lesson Plans\FOTP-P\CCS Instructor GOBY materials\CCS Phase 19 to guide your FOT through the PROPERTY TAB entries and I-44 page. Upon completion, print the I-44 and review against (b)(6),(b)(7)(C).

Provide FOT feedback and provide additional practice if needed.

Each FOT member will need a copy of the I-44 to place in 4th section of the file folder.

- i. (b)(6),(b)(7) I-44 NARRATIVE
 1. Thumb drives contain "goby" narrative
 2. Each FOT will modify "goby" with reference to name, A# and dates
- ii. Query event in EABM
 1. Select EDIT SUBJECT
 2. Select PROPERTY TAB
 - a. Select DOCUMENT and enter each seized item
 - b. Associate each seized item with (b)(6),(b)(7)
 - c. Complete "Confiscated By" tab
 - d. Complete "Inventoried By" tab
 - e. Complete "Identifying Nbrs." tab
 3. SAVE and GREEN ARROW back to Record Subject Screen
- iii. Select I-44 Page from ENFORCE drop-down
 1. Sector # = 6051S #(s)
 2. Name = Type "HELD" rather than use drop-down
 3. Address = Local ERO office address
 4. Apprehended/Interviewed = BOTH
 5. Arrest = Manually enter the information (*NOTE: there is no interoperability between the I-44 arrest tab and the EABM arrest tab*)
 6. Select Prop/Subj = select each item as well as (b)(6),(b)(7)
 7. Narrative = copy and paste from thumb drive
- iv. CCS-C Approval
 1. Review and approve
 2. Report back to assigned FOT any errors found
- v. Prosecution Case File Folder
 1. Print I-44
 2. Place a copy of I-44 in their respective Prosecution File Folder

T. Phase 20: (Day 13: 0730 - 1130)

Prepare ICE letter requesting certificate of non-existence; and,
Complete the FDL analysis request; submit evidence for analysis; and, receive report.

Instructor Notes: FOTs are in BREAKOUT ROOMS

Phases 15 - 19 are also being conducted simultaneously during this time frame.

The ICE letter, found on student TD, should be completed and reviewed by CCS-C. Use the INSTRUCTOR (b)(6) as guide and review letter for accuracy and completeness. Provide feedback and additional practice if needed. The resulting CERTIFICATE OF NONEXISTENCE is located in the PW.

NOTE: remind FOTs they may be required to have the fingerprints from the state conviction compared to the defendant to "prove" the defendant was in fact convicted of the aggravated felony. This typically is required if the case is going to trial, but may vary depending on district and/or defense attorney.

ICE 73-003, found on student TD, should be completed. FOTs will complete the 73-003 and obtain documents from their prosecution file folder. The entire package will then be handed to the CCS-C for review. NOTE: A companion 6051S should accompany all documents in order to provide for a chain of custody.

Use INSTRUCTOR GOBY as a guide and review for accuracy and completeness. Ensure that the package contains all listed documents. Provide FOT feedback and additional practice if needed.

ONCE COMPLETE: Return FDL package to the FOT and advise that the resulting FDL report is located in their PW. FOTs will need to make copies of the ICE 73-003 for their prosecution file folder.

Have EACH FOT member: update Case Chronology to include, at a minimum, date CIS letter sent and Certificate of Non-existence received, and date FDL request sent and report received back. Copy of ICE letter to CIS goes in the 4th section of the file folder; and, the copy of Certificate of Non-existence may go in either the 4th or 5th section of the file folder. Place appropriate copies and resulting FDL report in 4th section of the file folder.

- i. ICE Letter request
 - 1. Thumb drive contains draft letter for request
 - 2. Enter information relating to your specific target to include related training dates
- ii. CCS-C
 - 1. CCS-C receives letter request
 - 2. CCS-C returns letter to FOT along with the Certificate of Nonexistence (PW)
- iii. Prosecution Case File Folder
 - 1. Case Chronology and Review Form
 - 2. Place copy of letter along with certificate in their respective Prosecution File Folder
- iv. ICE Form 73-003 (FDL Request for Laboratory Examination)
 - 1. Thumb drive contains (b)(6),(b)(7)(C) ICE 73-003
 - 2. Enter information relating to your specific target to include related training dates
 - 3. Attach documents from Prosecution folder
 - a. Executed I-205
 - b. FD-249 from 5/3/2007
 - c. FD-249 from Day 0
 - d. FD-249 from Day 12
 - e. I-294
 - 4. Complete a 6051S listing the above items
 - 5. Submit the FDL request along with evidence to CCS-C
- v. CCS-C will act as FDL
 - 1. Review report for accuracy and completeness
 - 2. Return to FOT along with the FDL Report (PW)
- vi. Prosecution Case File Folder
 - 1. Case Chronology and Review Form
 - 2. Place the FDL package and FDL Report in their respective Prosecution File Folder

U. Phase 21: (Day 13: 1330 - 1630)

Create an interim ROI in TECS CM and upload the case synopsis and narrative.

Instructor Notes: For phases 21 - 24, FOTs will proceed to their respective BREAKOUT ROOMS.

Phases 22-24 are being conducted simultaneously. Any incomplete phases from the 0730-1130 block should be finished during this block.

FOT should modify ROI #5 on their thumb drive, upload synopsis and narrative in TECS CM, and link the (b)(6),(b)(7)(C) subject record.

Once completed, conduct the Supervisory Approval (SA10), verify for accuracy and completeness, and approve. Provide FOT feedback and additional practice if needed.

Have EACH FOT member: update Case Chronology to include, at a minimum, date ROI #5 entered; print or copy

- i. CM #83
 - 1. Enter INTERIM ROI (ROI #5) by using Case Number
 - 2. Enter information relating to your specific target to include related training dates
 - 3. Link subject record for (b)(6),(b)(7)(C)
- ii. (b)(6),(b)(7)(C) ROI #5 SYNOPSIS and NARRATIVE
 - 1. Thumb drives contain "goby" synopsis and narrative for ROI #5
 - 2. Use FDL report and Certificate of Non-existence to complete the ROI
- iii. Supervisory Approval (SA10)

U.S. Immigration and Customs Enforcement
Lab Exercise Plan

Continuing Case Scenario GUIDE



Exercise Description

I. Title

FOTP-P Continuing Case Scenario (CCS) INSTRUCTOR GUIDE

II. Synopsis

This lesson plan is the instructor guide for the orientation, laboratory (LAB) and practical exercise (P.E.) portions of the FOTP-P course. It provides the assigned Continuous Case Scenario Coordinator(s) (CCS-C) information needed to present the orientation and lead the 26 phases that comprise the FOTP-P Continuing Case Scenario (CCS). LAB ASSESSMENT CHECKLISTS, GOBYs, and P.E. SKILLS ASSESSMENT CHECKLIST have also been developed to assist the CCS-C in providing feedback and, if necessary, remediate their assigned Field Operation Team (FOT) members. Students will be instructed on the following relevant lessons: ERO Prosecutions; TECS Case Management (TECS CM); Prosecution Case File Folder; ERO Report Writing; Perimeter; Approach and Stacking; Breaching and Ballistic Shield; Warrant Service Entry Tactics; Execution of Criminal Warrants; Significant Event Notification (SEN); ICE Enforcement Operations Plan (ICEEOPLAN); and Evidence. The CCS is a simulated field situation which integrates all of these FOTP-P lessons. To review what was learned in DFOTP and already being done in the field, students will be expected to take a lead and develop the information, specifically by completing an I-138, ICE administrative subpoena. Having presented and had the criminal case accepted for prosecution, the students will then be expected to correctly formulate the next steps in the criminal prosecution process, to include applying for, obtaining and executing a criminal search and arrest warrant. The course will conclude with the criminal conviction and proper disposition of evidence. The investigative steps of this criminal prosecution will be recorded in TECS CM and a Prosecution Case File Folder will be prepared.

III. Agenda

This is how the course will proceed:

- FOTP-P Continuing Case Scenario (CCS) orientation using power point, and begin with ICE academy administrative issues.
- CCS coordinator (CCS-C) introduction and explanation that each will be acting as an FOT Supervisory Deportation Officer.
- LEGAL instructor introduction and explanation he/she is the Assistant U.S. Attorney (AUSA) for the CCS, and the ERO Prosecution lesson instructor. The lesson is broken into seven blocks, followed by a CCS phase to practice what was taught.

1. ROI to be reviewed and approved by CCS-C
2. Report back to assigned FOT any errors found
- iv. Prosecution Case File Folder
 1. Case Chronology and Review Form
 2. Print (print screen) the entire ROI
 3. Place a copy of ROI #5 in their respective Prosecution File Folder

V. Phase 22: (Day 13: 1330 - 1630)
Testify before the Grand Jury for indictment.

Instructor Notes: FOTs will meet briefly with legal instructor in a breakout room before GJ.

Phases 21, 23 - 24 are being conducted simultaneously during this time frame.

The INDICTMENT is in their course material and was discussed during ERO Prosecutions demo on Day 12. CCS-C and FOT will accompany testifying officer to the hearing to "observe". Advise students that example testimony notes are located at O:AERO Lesson Plans\FOTP-P/e - Student Thumb Drive\Day 13.

Use P.E. SKILLS ASSESSMENT CHECKLIST as a guide. CCS-C will complete the assessment, while the Legal Instructor acts as the AUSA. CCS-C and Legal Instructor will provide FOT feedback regarding testimony.

Have EACH FOT member: update Case Chronology to include, at a minimum, date of indictment; place indictment in the 3rd section of the file folder.

- i. FOT, Legal Instructor and CCS-C Meeting
 1. Review A-file and Prosecution File Folder
 2. Prepare for testimony
- ii. Testimony
 1. LEGAL Instructor will role-play as the "AUSA"
 2. Grand Jurors and Court Reporter will be role-players
 3. One FOT member testifies while the remaining members and CCS-C observe
 4. Officer must establish PC for 8 USC 1326(a) and (b)(2), 2 counts of 18 USC 911, 18 USC 1028(a)(1) and 18 USC 1028A(1)
 5. LEGAL Instructor / CCS-C will then assess and critique the student's testimony



W. Phase 23: (Day 13: 1330 - 1630)
Enter case statistics, create an interim ROI in TECS Case Management, and upload the case synopsis and narrative.

Instructor Notes: FOTs will be in their breakout rooms (simultaneous to Phases 21-22, 24).

If FOT has not completed Phase 22 yet, remind them that the INDICTMENT is in their course material, and was discussed during the ERO Prosecutions demo on Day 12.

FOT should modify ROI #6, based on indictment, upload synopsis and narrative into TECS CM, and link the (b)(6),(b)(7) subject record.

Using the indictment, FOTs should enter 4 IN statistics into CM 81 as follows: 8USC1326 – 1 count; 18USC911 – 2 counts; 18USC1028(a)(1) – 1 count; and, 18USC1028A – 1 count. Day 13 will be the IN date.

Once completed, conduct the SA10 and SA22, verify for accuracy and completeness, and approve. Provide FOT feedback and additional practice if needed.

Have EACH FOT member: update Case Chronology to include, at a minimum, date ROI #6 entered; print or copy ROI #6; and, place ROI #6 in the 2nd section of the file folder.

- i. CM #83
 - 1. Enter INTERIM ROI (ROI #6) by using Case Number
 - 2. Enter information relating to your specific target to include related training dates
 - 3. Link subject record for (b)(6),(b)(7)
- ii. (b)(6),(b)(7) ROI #6 SYNOPSIS and NARRATIVE
 - 1. Thumb drives contain "goby" synopsis and narrative for ROI #6
 - 2. Use indictment to complete the ROI
- iii. Supervisory Approval (SA10)
 - 1. ROI to be reviewed and approved by CCS-C
 - 2. Report back to assigned FOT any errors found
- iv. CM #81
 - 1. Enter IN statistics into TECS CM
 - 2. There are 5 counts on the indictment, but only 4 IN stats will be entered as one violation, 18 USC 911, has 2 counts
- v. Supervisory Approval (SA22)
 - 1. Statistics to be reviewed and approved by CCS-C
 - 2. Report back to assigned FOT any errors found
- vi. Prosecution Case File Folder
 - 1. Case Chronology and Review Form
 - 2. Print (print screen) the entire ROI
 - 3. Place a copy of ROI #6 in their respective Prosecution File Folder



X. Phase 24: (Day 13: 1330 – 1630)

Coordinate with the USAO to obtain concurrence with disposing evidence.

Instructor Notes: FOTs are in their breakout rooms (simultaneous to Phases 21-23).

Instruction on EPO #5 for Evidence (Disposal) was given at 1230 on TD 13 and final instruction on ERO Prosecutions (EPO #3 Motions, Suppression Hearings, Guilty Plea, Trial, and Sentencing) will be provided on TD 14, 0730 to 1130. FOTs have been provided with (b)(6),(b)(7) plea agreement and J&C.

FIRST: Students should determine that none of the evidence should be maintained by ICE or destroyed; all evidence can be returned to (b)(6),(b)(7) (ID), HMC (TX BC and SSN card) or the SC DMV (SC DL).

Three ICE Memos will be drafted: TX BC and SSN will be returned to HMC; SC DL will be returned to the SCDMV; and, Costa Rica ID will be returned to (b)(6),(b)(7) A-file. The FOTs should draft these memos using TD 14 since this is the "conviction date".

Each FOT will observe the TL/EV remove evidence from the locker. An entry should be made in the Logbook indicating the "purpose of entry" was for "removal of evidence for disposal". The "comments/location" entries should be "returned to Hector Martinez Cruz"; "returned to SCDMV"; and "placed in A-file" (b)(6),(b)(7)(C)

In order to complete Section 16 (Acceptance / Chain of Custody) of the 6051, the CCS-C will act as HMC and the SCDMV for purposes of a signature.

Have EACH FOT member: update Case Chronology to include, at a minimum, date evidence returned; print or copy each of the three memos along with the updated 6051S; and, place Memos and original updated 6051S in the 4th section of the file folder. DON'T FORGET TO PUT THE EVIDENCE BACK IN THE CABINET!!!

- i. Review of evidence seized
 - 1. Texas Birth Certificate
 - 2. South Carolina DL
 - 3. Social Security card
 - 4. Costa Rica ID
- ii. How can the above evidence be categorized?
 - 1. Can ICE keep any of the above?
 - a. Administrative or Judicial Forfeiture
 - b. Abandoned property

2. Do we have to return to owner?
 - a. Personal effects
 - b. Valid / lawful right to possess
3. Do we have to return to the issuing agency?
4. Should anything be destroyed?
 - a. Fraudulent documents
 - b. Remove from circulation
- iii. Obtain appropriate permission / concurrence prior to taking action
 1. AUSA
 2. Supervisor (CCS-C)
- iv. ICE Memo to File
 1. Thumb drives contain "goby" ICE Memo to File for Evidence Disposition
 2. Memo(s) should reflect the disposition of each piece of evidence
- v. TL/EV will:
 1. Make appropriate notations in evidence logbook
 2. Enter the evidence room
 3. Remove evidence from locker
 4. Complete section 16 (Acceptance/Chain of Custody) of the original 6051(s).
- vi. Prosecution Case File Folder
 1. Case Chronology and Review Form
 2. Print all ICE Memo(s)
 3. Place a copy of each ICE Memo in the Prosecution File Folder
 4. Place the original 6051(s) in the Prosecution File Folder



Y. Phase 25: (Day 14: 1230 - 1330)

Enter Case Statistics and Case Hours, write an investigative report, create a closing ROI in TECS Case Management, and upload the case synopsis and narrative.

Instructor Notes: FOTs will go to their respective breakout rooms.

STATS and HOURS:

Use the Plea agreement and J&C to enter CO and DI statistics in CM 81. A "CO" stat should be entered for both the 1326 and 911 violation. 3 DI stats should be entered for the 1028(a)(1), 1028A and second 911 violation. TD 14 will be the date of the statistics. Students should also enter 40 hours against their case.

When complete, conduct the Supervisory Approval of the STATS and HOURS first (SA21 and SA22). Use INSTRUCTOR (b)(6) to review and provide feedback and additional practice of needed.

(b)(7)

REPORT WRITING and ROI #7:

Using the Plea Agreement and J&C, the FOTs will draft ROI #7 in WORD and save on Thumb Drive. Once reviewed and assessed, FOT will then enter ROI #7 in TECS CM, upload synopsis and narrative from their thumb drive onto ROI #7, and finally link the (b)(6),(b)(7) subject record.

Conduct the Supervisory Approval of the closing ROI (SA10). Use INSTRUCTOR (b)(6) and the P.E. SKILLS ASSESSMENT CHECKLIST to review and grade the WORD document and upload of ROI #7. Provide FOT feedback regarding any mistakes and remediate if necessary.

Once all have been approved (stats, hours and ROI), the case should be closed. Have FOTs conduct a GQ05 on their case to verify that it is closed, and that all ROI's (7) and an "AR" incident report have been entered.

See Phase 26 for the Prosecution File folder PE which will require FOT members to properly update Case Chronology and properly file the closed case (CM 79) and closing ROI (CM 83) in the file folder.

- i. CM #81
 - 1. Enter CO and DI statistics into TECS CM
 - 2. Use plea agreement and J&C as guides for which violations are closed due to a conviction and which are closed due to dismissal
 - 3. Post hours against your open case based on the current month
- ii. Supervisory Approval (SA22)
 - 1. Statistics and hours to be reviewed and approved by TECS Instructor
 - 2. Report back to assigned FOT any errors found
- iii. Supervisory Approval (SA21)
 - 1. Hours to be reviewed and approved by TECS Instructor
 - 2. Report back to assigned FOT any errors found
- iv. Write ROI #7 in WORD and save on Thumb Drive
 - 1. Use plea agreement and J&C to write the ROI
 - 2. Once saved, upload ROI onto ROI #7
- v. CM #83
 - 1. Enter CLOSING ROI (ROI #7) by using Case Number
 - 2. Enter information relating to your specific target to include related training dates
 - 3. Link subject record for (b)(6), (b)(7)(C)
- vi. Supervisory Approval (SA10)
 - 1. ROI to be reviewed and approved by TECS Instructor
 - 2. Report back to assigned FOT any errors found
- vii. GQ #05
 - 1. Enter FOT TECS Case #
 - a. Observe that the case is "Closed"
 - b. Print "CLOSED" case
 - 2. Review all linked documents (Shift F2)
 - a. 2 subject records (optional 3rd for vehicle)
 - b. Incident report
 - c. 7 ROI's

Z. Phase 26: (Day 14: 1330 - 1430)

Prepare and maintain a Prosecution Case File Folder.

***Instructor Notes:* FOTs will proceed to BREAKOUT ROOMS – [REDACTED]**

As the FOTP-P CCS (Labs and P.E.s) has progressed, FOTs have been provided with and/or have created a variety of documents. Phases ended with instruction for placing these documents in the appropriate sections of the file folder.

Phase 26 not only represents the Prosecution File Folder P.E. but will also provide each FOT with an opportunity to review and verify that each FOT member's file is complete and accurate, and can be used as a field (b)(6). Prior to Phase 25, CCS-Cs should have reviewed each FOT members pros folders to ensure phases 1-24 documents have been properly placed and that the Case Chronology sheet has been properly updated. Refer to the INSTRUCTOR (b)(6) Folder.

Once that is complete, begin the P.E. Although each FOT member should complete their respective file, only ONE file will be chosen to represent the TEAM for P.E. purposes. Each FOT member will: make final update to Case Chron to include, at a minimum, date of guilty plea and sentencing, date ROI #7 entered, and notate "Case Closed"; print ROI #7 and place in the 2nd section of the file folder; print GQ05 "Case Closed" and place in the 1st section of the file folder; and, file Plea Agreement and J&C in 3rd section.

Use INSTRUCTOR (b)(6) Prosecution File Folder as a guide, and the P.E. SKILLS ASSESSMENT CHECKLIST. Review students' folders for accuracy and completeness. Instructor will provide FOT feedback, and remediate if needed.

- i. Phases 1-24
 1. Case Chronology and Review Form has been updated as phases have been completed
 2. ROI's #1-6 have been filed in Section #2
 3. Warrants, Affidavit and Indictment have been filed in Section #3
 4. All ICE/DHS documents to include requests, reports, memos and 6051s have been filed in Section #4
 5. All documents from outside agencies have been filed in Section #5
 6. MISC documents, to include law enforcement notes, photographs and fingerprints, have been filed in Section #6
- ii. Phase 25 documents and entries will be the P.E.
 1. Make final update to Case Chronology and Review Form
 2. Place "Closed" case in their respective Prosecution File Folder
 3. Place copy of ROI #7 to include subject record in their respective Prosecution File Folder
 4. Place a copy of the plea agreement and J&C in their respective Prosecution File Folder

III. Demonstration

This FOTP-P CCS Guide is the instructors guide for the Student Practice and Test of Final Activity portion of all lessons presented over the course of FOTP-P. Demonstration for each CCS critical element was provided for during or after the instruction of each respective lesson plan: ERO Prosecutions, TECS CM, Prosecution File Folder, Report Writing, Execution of Criminal Warrants, Evidence, SEN, and ICE Enforcement Operations Plan.

Instructor Notes: Instructors have already demonstrated the expected activity to be performed during the lecture portion of the related lesson. See the associated LP for further information.

IV. Student Practice

The FOTP-P CCS contains phases which allow students to practice what was taught during the instruction of each respective lesson plan:

Phase 1: DFOTP Review / ERO Prosecutions Lab

Phase 2: DFOTP Review / ERO Prosecutions Lab

Phase 3: ERO Prosecutions Lab

Phase 4: TECS CM Lab

Phase 5: TECS CM Lab

Phase 6: TECS CM Lab

Phase 7: TECS CM Lab

Phase 8: ERO Prosecutions Lab / Report Writing Lab

Phase 9: ICEEOPLAN Lab / Execution of Criminal Warrant Lab

Phase 10: ERO Prosecutions Lab

Phase 11: SEN Lab

Phase 12: Execution of Criminal Warrants Lab / ICEEOPLAN Lab/Approach and Stacking

Phase 13: Execution of Criminal Warrants Lab/Perimeter/Approach and Stacking/Breaching and Ballistic Shield/Warrant Service Entry Tactics

Phase 14: Evidence Lab

Phase 15: TECS CM Lab

Phase 16: TECS CM Lab

Phase 18: ERO Prosecutions Lab

Phase 19: Evidence Lab

Phase 20: ERO Prosecutions Lab / Evidence Lab

Phase 21: TECS CM Lab

Phase 23: TECS CM Lab

Phase 24: Evidence Lab

Refer to Phase description and attached Lab Assessment Instructor Guide or Instructor GOBY for further instruction.



V. Feedback / Remediation

Every phase that constitutes student practice allows for instructor assessment and feedback. During the critique, if instructor determines further practice is needed, remediation will be conducted immediately.

VI. Assessment

The FOTP-P CCS contains phases which test what students were taught during the instruction of each respective lesson plan and have already practiced:

Phase 17: SEN P.E.

Phase 22: ERO Prosecution P.E.

Phase 25: Report Writing and TECS CM P.E.

Phase 26: Prosecution Case File Folder P.E.

Refer to Phase description and attached P.E. Skills Assessment checklist for further instruction.

Day 14 / 15 Final P.E.

The following describes the final P.E. which tests what students were taught during the Perimeter, Approach and Stacking, Breaching and Ballistic Shield, Warrant Service Entry Tactics, ICEEOPPLAN LP, Execution of Criminal Warrants LP and Evidence LP. Students have already practiced the EPOs from these lessons during previous CCS Phases.

Instructor Notes: The final P.E. will begin on the afternoon of Day 14 and finishes NLT 1130 am on Day 15. This P.E. covers all Tactics related LPs and the final three CCS LPs: ICEEOPPLAN, Execution of Criminal Warrants and EVIDENCE. Use the appropriate checklists located at O:\ERO Lesson Plans\FOTP-P\CCS Instructor (b)(6) materials\P.E. Documents\FINAL P.E. DAY 14 and 15\INSTRUCTOR (b)(6) for feedback and critique. Use the Final P.E. assessment checklist located at O:\ERO Lesson Plans\FOTP-P\P.E. Assessment Checklist to score graded items. Upon completion of each portion of the P.E., immediately provide feedback and remediate if necessary.

Final P.E. debrief and ERO Prosecution summary will be conducted by LEGAL at 1230 on Day 15.

Each FOT is being given the SAME target, and all documents refer to the residence as 555 Smith Lane, Rochester, NY. The FOTs are being informed that they are being detailed to the FOD BUF for SW Execution. Each FOT will actually execute the SW at their previously assigned RH.

- Review course schedule to include all lessons and phases that follow to allow for practice.
- FOT A, FOT B, and FOT C meet separately with their assigned CCS-C, who will attempt to make assignments of phases (practice and P.E.).
- During the final week of the course, some of the CCS phases will be considered the P.E. for the related lesson plan. (SEN, Report Writing, TECS CM, and ERO Prosecutions)
- On Day 14 and 15, there will be a separate P.E. for Perimeter, Approach and Stacking, Breaching and Ballistic Shield, Warrant Service Entry Tactics, Execution of Criminal Warrants, Evidence and ICEEOPLAN. The explanations of these P.E.'s are found at the end of this Guide.
- 34 hours total: 24 hours Lab and 10 hours P.E.



IV. Criterion for Successful Performance

Student performance will be observed and tracked on the ICE D Field Operations Training Program – Prosecutions CCS Team Assessment and Final P.E. Team Assessment Checklists. The items on both of these checklists denote the specific area of assessment for that particular criterion. Other actions taken by the teams that may be noteworthy may also be annotated on the checklist; however, only the specific area of assessment will be used to formulate the score of each team. Each specific area being assessed is noted on the Master copy of the ICE D Field Operations Training Program CCS Team Assessment Checklist and Final P.E. Team Assessment Checklist, along with its point value.

Training Day 14 and 15

Teams who fail the CCS-related practical exercises, which occur during Phases 17, 22, 25-26, and on Training Days 14-15 (final P.E.), will be offered the opportunity to receive remedial training and retake the practical exercises. Teams must complete the remediation and retesting within three days or waive the opportunity in writing. Teams who fail the retest will not receive a certificate of completion or graduation.

The following will be evaluated or tested:

- A. CCS TEAM Assessments: The team assessment includes reporting a Significant Incident, testifying before the grand jury, writing an ROI, uploading the closing ROI in TECS CM, and completing a prosecution case file folder. Students of teams that fail to achieve an overall 70% will be given the opportunity to remediate. Teams that pass the remedial will receive a 70% overall. Students from teams that fail the remedial will not receive a certificate of graduation. These students will receive a certificate of attendance.

U.S. Immigration and Customs Enforcement Lab Exercise Plan

Administration



I. Location/Facility Requirements

Computer Lab with TECS and ENFORCE (phases 2, 4-9, 11, 15 - 17, 19 – 21, 23 - 26)
24 student stations
Instructor station with presentation equipment
2 break-out rooms for all CCS phases
3 Raid Houses for CCS phases 13-14 and the final P.E. (1325, 1327 and 1328)
1 USMJ Office for CCS phase 10
1 Court Room for CCS phases 18 and 22

II. Staff Requirements

The three CCS coordinators (assigned to the three 8-person FOTs) will be required to be present during ALL phases of the FOTP-P CCS. Additional instructors will be expected to be present as follows:

Phases 3, 8, 10, 13-14, 18, 22: one additional LEGAL instructor

Phase 12: 6 instructors, i.e., 2 per FOT, will be required for the pre-operation brief. There should be a TI instructor along with the CCS-C per FOT. OPTION: If each FOTs briefing occurs at a different time, one TI may choose to float between all three FOTs.

Phase 13-14: A minimum of 9 instructors, i.e., 3 per raid house, will be required during these phases. There should be at least one LEGAL instructor and two TI instructors per raid house.

Final P.E. Day 14: 6 instructors, i.e., 2 per FOT, will be required for the pre-operation brief. There should be a TI instructor along with the CCS-C per FOT. OPTION: If each FOTs briefing occurs at a different time, one TI may choose to float between all three FOTs.

Final P.E. Day 15: A minimum of 9 instructors, i.e., 3 per raid house, will be required during these phases. There should be at least one LEGAL instructor and two TI instructors per raid house.

III. Environment Conditions

N/A

IV. Transportation Requirements

Students will be assigned 5 ICE academy government vehicles to be distributed to the 3 FOTs. Students will be expected to use these vehicles during phases 13-14 of the FOTP-P CCS and during the final P.E., to transport themselves to and from the raid houses.

V. Supplies and Equipment

A. Student Provided:

- Duty Belt equipment
- Body Armor cover/vest

B. Academy Provided:

- Simulated Training Weapon (M4 and P229)
- Government Vehicles
- Participant Workbooks (containing documents required for entire CCS)
- Thumb Drives (containing all forms and documents as listed on each individual LP – entire CCS)
- Pocket-sized Memorandum Notebooks
- 6-part Classification File Folder
- (b)(6),(b)(7) A-file
- Subpoena Log Book
- (b)(6),(b)(7) Field Operation Work Folder
- "Mock" Evidence
- Evidence Kit
- Evidence Vault Log Book

VI. Risk Considerations

Phases 13-14 and P.E. (Day 15)

VII. Attached Documents ☐

A. For Student Use (Located on Thumb Drive or in their Participant Workbook)

- Orientation – Phase Leader Assignment sheet
- Phase 1 – (b)(6),(b)(7)(C) Jail paperwork
- Phase 1 – (b)(6),(b)(7) A-file
- Phase 1 – (C) Records checks
- Phase 2 – DRAFT I-138
- Phase 2 - Utility Company response
- Phase 4 – TECS CM Opening Narrative
- Phases 5-7, 15-16, 21, 23, 25 – TEC CM Reports
- Phase 6 – Surveillance Notes
- Phase 7 - Victim interview notes
- Phase 8 – DRAFT Federal Court Documents
- Phase 9 – (b)(6),(b)(7) FOW and Field Operation Work folder
- Phase 9 – Local PD Notification and Intelligence
- Phase 9 – Aerial Photo and Maps
- Phase 9 – Use of Force Continuum
- Phase 9 – DRAFT ICEEOPLAN
- Phase 11 – DRAFT SPEAR template and narrative
- Phase 13 – Evidence Kit (with multiple blank documents necessary for SW/AW execution)
- Phase 14 – CD in Evidence Bag and related 6051S
- Phase 14 – (b)(6),(b)(7)(C) I-213
- Phase 14 – (7)(C) I-247

- Phase 22 – CCS Team Skills Assessment Checklist
- Phase 22 – Instructor GJ testimony Checklist
- Phase 23 – [REDACTED] for ROI #6
- Phase 24 – [REDACTED] for Final 6051S
- Phase 24 – [REDACTED] for Return of Evidence Memo (1-3)
- Phase 25 – [REDACTED] Team Skills Assessment Checklist
- Phase 25 – (b)(6), [REDACTED] for TECS CM case closing
- Phase 25 – (b)(7), [REDACTED] for TECS CM statistics
- Phase 25 – (C) [REDACTED] for TECS CM ROI #7
- Phase 26 – [REDACTED] Team Skills Assessment Checklist
- Phase 26 – [REDACTED] Prosecution file folder (located in MCR)
- Phase 26 – [REDACTED] ICE Form 73-004
- Final P.E. Day 14 –
 - Final P.E. Team Checklist
 - (b)(6),(b)(7)(C) [REDACTED] OPS Plan
 - Checklist for ICEEOPLAN briefing
- Final P.E. Day 15
 - Final P.E. Team Checklist
 - Phase 13/14 and Final P.E. Checklist
 - (b)(6),(b)(7)(C) [REDACTED] 6051S (multiple) and Evidence Bags
 - (b)(6), (b)(7) [REDACTED] executed (b)(6),(C) [REDACTED] Warrant
 - (b)(7) [REDACTED] sketch

VIII. References

See individual LPs for list of references





DEPARTMENT OF THE TREASURY
United States Customs Service

CUSTOMS FUGITIVE REPORT

Directive 4220-003A

1 Date of Report (If date exceeds warrant date by 24 hours, enter reason for delay in RE MARKS #32)

2 Originating Office ☐ HIDTA

3 Case Number ☐ OCDETF

4 ☐ Outstanding Arrest Warrant or Escape ☐ Armed and Dangerous ☐ Suicidal Tendencies ☐ Supplemental ☐ Cancel/Clear

6 Date of Birth 7 Birthplace

10 Height 11 Eye Color 12 Hair Color 13 Skin Tone 14 FBI Number

15 FPC

16 Scars/Marks/Tattoos

17 Operator License Number (OLN) License State (OLS) Year Expires (OLY)

18 Vehicle Information 19 Date of Warrant 20 Warrant Type 21 Bond

22 Fugitive 23 Reason for Fugitive Status 24 Social Security Number

25 Citizenship 26 Alien Registration Number 27 Passport Number 28 State Agency NBR (SID)

29 Last Known Address/Other Miscellaneous Numbers 32 Remarks (include vehicle/family member data - Note See instructions for entry requirements)

30 Aliases

33. Clearance Information (Fugitive apprehended)

Date

Place

Agency

Agency Case Number

34. Cancellation Information (Case Dismissal Indictment Dismissed, Etc.)

Explanation

Date

☐ 31 Photo (If available attach here)

35 TECS ID

36 NIC

37 OCA

38 PRIMARY APPREHENSION RESPONSIBILITY

39 Reporting Agent Telephone #
Pager #

☐ U.S. Customs Service ☐ U.S. Marshals Service
40 Approving SAIC/RAIC

Printed Name _____

Printed Name _____

Signature _____ Date _____

Distribution Original Copy 1

Signature _____ Date _____

Copy 2

Previous Editions are Obsolete

Customs Form 59 (09/01)



U.S. Immigration and Customs Enforcement

QUICK REFERENCE GUIDE *CAP/FUGOPS Specific*

Initial Processing

All processing of CAP/FUGOPS subjects will begin at the initial event screen to ensure proper event creation. This quick reference is designed to guide all officers involved with CAP/FUGOPS in the correct procedures for processing of aliens. There are no other acceptable methods to process. Full processing should be completed after the subject's identity, arrest and criminal history have been verified through IDENT/IAFIS.

1. Log into ENFORCE using PICS ID and password.
2. When the green screen appears choose the "office that you are currently assigned to" by selecting the appropriate site code and office code from the drop down list (Example, SND/T– DRO San Diego)

** NOTE: It is important to log onto the correct site. Statistical reports and tracking records will be made from ENFORCE based on the logon information.*





(b)(7)(E)

Arrests and Severity Levels

As noted, all arrests should have an appropriate Arrest Landmark associated that represents the means of the arrest. As outlined in the ENFORCE/EARM Landmark tasking dated October 30, 2008, all Field Office Directors are to ensure, through their ENFORCE Data Systems Administrators (DSA), the creation of Arrest Landmarks within ENFORCE for their area of responsibility (AOR). These landmarks are to be utilized by all DRO and 287(g) personnel when making an arrest and issuance of a charging document. The following steps should be completed in ENFORCE when the arrest and issuance of a charging document against an alien is warranted.

After initial processing through full client and at the time the subject is to be placed in ICE custody users will continue processing the Arrest from the **ARREST BUTTON**:

Arrest





Criminal Statistics:

CAP, VCAS, LEAR, JCART and FUGOPS officers are to ensure that all criminal statistics are inputted correctly in the ENFORCE system. In order to satisfy the minimum standard that is necessary to comply with the memorandum titled "Criminal Alien Statistics" signed by DRO Director James T. Hayes Jr. on August 29, 2008, officers are to utilize the "criminal record" box to notate if the subject found removable is a convicted criminal or not.

1. Finish processing the subject
2. Press the Pinter Icon in the menu bar
3. Select the I-213
4. If the subject is a convicted criminal select the "criminal record" box. If the subject is not convicted of a crime DO NOT select the box.

(b)(7)(E)

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
AND REMOVAL OPERATIONS**



Policy Number: ERO 11152.1 Enforcement and Removal Encounters

Issue Date: 7/29/2011

Effective Date: 7/29/2011

Review/Expiration Date: 7/29/2015

Superseded: None

Federal Enterprise Architecture Number:

1. **Purpose/Background.** This directive identifies requirements and provides general procedures for using the Enforcement Integrated Database (EID) as ERO's electronic system of records for administrative processing of foreign born nationals. EID is the U.S. Department of Homeland Security's (DHS) shared database repository for several DHS law enforcement and homeland security applications and is currently accessed through the Enforcement and Case Tracking System (ENFORCE) application.
- 1.1 The purpose of the directive is to support the identification and arrest of individuals (both citizens and noncitizens) who commit violations of Federal criminal laws enforced by DHS.
2. **Policy.** All ERO law enforcement officers will document foreign born national encounters in the EID (e.g., using the ENFORCE application).
3. **Definitions.**
 - 3.1. *Encounter:* the interview, screening, and determination of citizenship, nationality, and legal rights of any person in the United States at any time.
 - 3.2. *Interview:* a formal meeting in which a law enforcement officer questions a person believed to be an alien about citizenship, nationality, and the legal right to be in the United States.
 - 3.3. *Screening:* the process of verifying the identity of a person through biographic and or biometric identifiers.
 - 3.4. *Biographic identifiers:* personal information obtained from a person or third party (e.g., name, address, social security number, driver's license).
 - 3.5. *Biometric identifiers:* identity analysis of physical samples obtained from a person or provided by a third party (e.g., fingerprints).

- 3.6.** *Enforcement action:* a law enforcement activity (e.g., encounter, investigative detention, arrest, bond) taken by DHS to address criminal or administrative violations.

4. Responsibilities.

- 4.1.** The *Criminal Alien Division* is the Office of Primary Interest and is responsible for managing and overseeing compliance to this Directive.
- 4.2** All ERO law enforcement officers who encounter persons are responsible for documenting that encounter in the Enforcement Integrated Database (e.g., by using ENFORCE).

5. Procedures. ☐

5.1. *Law enforcement officers:*

- 1) Document encounters in the Enforcement Integrated Database (e.g., by using ENFORCE).
- 2) Create only one encounter based on the same enforcement action for the same person. Enter any crime information necessary to correctly indicate a foreign born national's criminal offense level (e.g., in ENFORCE through the CRIME ENTRY SCREEN).
- 3) Input as an encounter subjects found through investigation to be derived or naturalized citizens.
- 4) If you determine that a person initially detained as a possible alien is a United States citizen, notate the record with your determination and state that no further action will be taken.
- 5) Do not enter information about U.S. citizens interviewed or screened unless being investigated or arrested for administrative or criminal immigration law violations.

6. Authorities/References.

- 6.1.** 6 U.S.C. §§ 101- 103, 111-113
- 6.2.** 8 U.S.C. § 1357
- 6.3.** 40 U.S.C. § 1315
- 6.4.** 8 C.F.R. § 287



**U.S. Immigration
and Customs
Enforcement**

JAN 10 2006



MEMORANDUM FOR: Field Office Directors

FROM: John P. Torres
Acting Director

SUBJECT: Update of Chapter 19, Section 11 (Liaison/Task Forces) to the
Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the update of Section 11, Chapter 19. Accordingly, the DDFM is changed as follows:

19.11 Liaison/Task Forces

I. POLICY

Officers conducting fugitive operations shall avail themselves of every opportunity to liaison with other law enforcement agencies and entities that can be of assistance in the pursuit of ICE fugitives. Where possible and staffing levels allow for it, National Fugitive Operations Program (NFOP) teams shall assign an officer to be a point of contact (POC) to meet regularly with their local Federal Joint Fugitive Task Force.

II. PROCEDURE

LIAISON

The successful apprehension of fugitives cannot be done without developing a good liaison network with both law enforcement agencies and non-law enforcement agencies. A successful fugitive operations team needs to begin their efforts by getting the word out to law enforcement agencies in their jurisdiction that ICE officers are in the field seeking fugitives from ICE.

Local law enforcement agencies are your most valuable resource and every effort needs to be made in establishing good working relationships with them. Local officers are the men and women who are more than likely the ones who have encountered your fugitive in the past or will be the ones that are able to assist you in locating someone in their neighborhoods.

Processing Subsequent to Apprehension

Prior to making the arrest, a decision should have been made to determine if prosecution is appropriate. If the decision was made to prosecute, or if circumstances arising out of the arrest have indicated a need to pursue prosecution, the officer should immediately initiate action to process the fugitive accordingly.⁶

If prosecution is not contemplated, officers will follow standard processing procedures for the removal of an alien with a final order. In addition to these procedures, and subsequent to the arrest of all fugitives, officers will prepare a Record of Deportable/Inadmissible Alien, Form 541. Officers will pay particular attention in the narrative portion of the form to the following items that may assist officers in locating/apprehending the fugitive in the future:

- Vehicle information/location;
- Specific location of arrest including identity/relation/alienage of other individuals present;
- Escape attempt/violence when effecting the arrest;
- Use of weapons encountered; and,
- Any other items you feel may be helpful. ☐

Officers will close out the case by making the necessary updates on forms 2-1360 and 2-1361. Supervisors will close out the case on Form 2-1360. The officer and his supervisor shall close the case out TECS. The deportation assistant will complete the final case closure by completing the Fugitive Operations screen in DACS.

Officers must ensure that all other cooperating agencies that received notices and/or Wanted Posters on the apprehended fugitive are notified of the case closure. Ensure they are aware of the final disposition of any case they are involved in so they are not continuing to exhaust valuable time and energy attempting to locate a fugitive who is already gone. Make them aware, however, if the possibility exists that the fugitive will return subsequent to the latest removal action.

Interview/Referral of Fugitives Apprehended

In conjunction with the Alien Absconder Initiative (AAI), apprehensions involving aliens from countries identified by the Intelligence Community as having terrorist connections are to be immediately reported by D&R to the Custody Review Unit (HQDRO). The local ICE Investigations (INV) Representative to the Joint Terrorism Task Force (JTTF) having jurisdiction in your area shall also be notified. If there is no ICE INV Rep, then the JTTF will be contacted directly. Should there be no JTTF, officers will contact the local office of the Federal Bureau of Investigation. One of the considerations of a local manual should be identification of JTTF points of contact or the lack of a local JTTF. In

⁶ See 19.8 - Prosecutions

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transport the alien to their residence to obtain the document. It must be stressed that when this is the case, officer safety is paramount and may entail assigning additional officers to the task. Though there may be circumstances that will prevent efforts to obtain travel documents subsequent to arrest, however, these situations should be the exception rather than the norm.

Escort Planning

Escort planning goes hand in hand with travel document management, as many consulates require itineraries prior to issuing travel documents. Anytime an escort can be planned prior to an apprehension, the efficiency in which an alien can be removed is increased. The FOT Case Officer shall notify the General Assignment Case Officer in advance of an apprehension whenever possible. The General Assignment Case Officer can then make preliminary coordination with his or her Detention Section.

Consular Notification

Consular notification shall be handled per existing policy and guidance and is the responsibility of the apprehending officer. The list of countries that must be contacted is contained in ~~2014-01-01-2014-01-01~~. Officers should also be familiar with *Consular Notification and Access (State Department Publication 10969)*. It is available on line at www.state.gov or hard copies can be ordered from (202) 647-1512.

Final Notes

Always remember to *pay recognition* to cooperating agencies, both within and without of the law enforcement community, with Letters of Commendation and/or wall plaques, etc., for any assistance rendered in locating/apprehending a fugitive. It will help to reinforce and solidify further cooperation between agencies. However, always remember that some agencies do not desire to have their active participation made public. This can generally be said of some large city police departments.

V. REPORTING REQUIREMENTS

All fugitive arrests will be reported through the Fugitive Operations Database. The report is due by close of business (COB) every Wednesday for the all arrests made from the previous Thursday. Information and instructions for the use of the database can be found in ~~2014-01-01~~. This reporting system is scheduled to be replaced with the full implementation of the DACS/ENFORCE Module.



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U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

HQDRO 50/12.8

Office of the Director

801 I Street NW
Washington, DC 20536

MEMORANDUM FOR ALL FIELD OFFICE DIRECTORS
DEPUTY ASSISTANT DIRECTOR FOR FIELD OPERATIONS

FROM: 
Anthony S. Tangeman
Director
Office of Detention and Removal

SUBJECT: Addition of Chapter 19, Section 6 (Fugitive Operations Reporting Requirements) to the Detention and Deportation Officer's Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 6, Chapter 19. Accordingly the DDFM is changed as follows:

19.6 Fugitive Operations Reporting Requirements

I. BACKGROUND

The Office of Detention and Removal Operations (DRO) is responsible for reporting on its efforts in identifying, apprehending and removing aliens defined as fugitives. In the past, the Deportable Alien Control System (DACS) was the sole source of statistical data used in reporting the efforts of the National Fugitive Operations Program (NFOP). Following September 11, 2001, requests for information not readily available from DACS required the creation of a 'snapshot' database that would provide the information requested. DACS' lack of programming flexibility also did not allow it track a specific operation without a programming change. Finally, DACS' programming limitation does not allow for the type of case management and statistical reporting that is required during an investigation.

II. POLICY

Offices with Headquarters (HQDRO) designated FOTs or with full-time FOD designated FOTs shall use the Treasury Enforcement Communications System (TECS) for case management. Information on how TECS will be used for case management will be

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added to this manual after it is published by Investigations. In addition, all offices shall maintain DACS in the highest possible state of accuracy. Furthermore, all Field Offices conducting fugitive operations shall report all apprehensions utilizing the Fugitive Operations Database within 24 hours of apprehension. Specific instructions for entering report information into the database will be issued at a later date as part of **19.6**.

The Database will be compared to DACS every week on Thursday. Weekly reports will be generated for the Director, Office of Detention and Removal and the Assistant Secretary for Immigration and Customs Enforcement. Field Offices should regularly run the Error Report in the Database and correct listed errors or make appropriate notations in the Comments Section of the Database. The Chief of the Program Analysis and Information (PAI) Branch shall (in concert with the Fugitive Operations Branch Chief) maintain the Weekly Report Database and produce reports as requested by various HQDRO elements.

III. PROCEDURES

Offices with permanent FOTs (HQDRO or FOD designated) shall, as the first step in the fugitive operations process, ensure that DACS reflects that a targeted subject is a fugitive and is properly coded in DACS as either case category 5B, 8E or 8I. The General Assignment Deportation Officer, prior to turning the case over to the FOT, will conduct this review. The FOT case officer, as part of case preparation, shall also review the file and DACS to ensure that the case meets the definition of a fugitive. By ensuring that DACS is up to date, the integrity of reported data increases.

The FOT supervisor shall assign a case to a FOT case officer. TECS shall be the primary case management system for all full-time teams. Using TECS, the FOT case officer shall maintain a record of his investigative efforts to locate his target.

The Fugitive Operations Database replaces all previous weekly reports. FOTs shall enter apprehensions into the Database within 24 hours. Weekly reports generated by the Database will reflect what is contained in the system from Thursday through Close of Business the following Wednesday.

Questions concerning reporting requirements shall be directed to the Chief, Fugitive Operations Branch via cc. Mail: FUGOPS HQDRO, which can be found in the address book as HQDRO, FUGOPS.



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4. Thereafter either ☐
- A. Enters (If unable to prove time, place and manner of entry, go to Part C below for prosecution under "found in." Even in cases where the entry can be proven, "found in" is an easier case to prove because it only depends on the officer's testimony that first "found" the alien in the United States.)
- Admission by the defendant ***(Requires the testimony of the officer who took the statement)***;
 - I-213, Record of Deportable Alien ***(Requires the testimony of the officer who completed the form)***;
 - Passport with admission stamp ***(Requires the testimony of the officer who seized the document)***; or,
 - Additional optional records: Customs declaration, foreign documents showing alien in foreign country, CIS, TECS & NIIS ***(Also requires testimony.)***.
- B. Attempts to enter: Defendant apprehended at border. ***(Testimony of arresting officer or secondary inspector who made the decision not to admit the defendant.)***
- C. At any time is found in the United States: Statement from the arresting officer, surveillance officer or ACAP officer who interviewed the defendant in jail. ***(Testimony of the officer is required.)*** **Note:** Use this charge if unable to establish time, place and manner of entry. Also it is easier to prove if the entry was not witnessed. Instead of proving a past event that was not witnessed by an officer, an officer can easily testify as to where he found the defendant.
5. A. Prior to his removal, or
- B. Prior to his application for admission from a foreign contiguous territory, the alien did not seek or obtain the consent of the Attorney General to reapply for admission: Certification from Headquarters of non-existence of records. Written certification should be ordered immediately upon authorization of the case, but verbal affirmation should be noted in the case report.



U.S. Immigration
and Customs
Enforcement

MAY 20 2005

MEMORANDUM FOR: Field Office Directors
FROM: Wesley Lee
Acting Director
SUBJECT: Addition of Chapter 19, Section 18, International Police
Organization (INTERPOL) of the Detention and Deportation
Officer's Field Manual (DDFM)

The DDFM is updated to reflect the addition of Section 18, Chapter 19. Accordingly, the DDFM is updated as follows:

19.18 International Criminal Police Organization (INTERPOL)

L Background

Headquarters, DRO has previously issued memoranda on the preparation of INTERPOL 'Green Notices'. Those memoranda are made a part of this Section of the DDFM. All DRO personnel regardless of assignment shall refer to this Section when performing activities related to INTERPOL.

INTERPOL maintains six color-coded notices and subject advisory notices (Appendix [REDACTED]). All notices and advisories are available to any of the over 180 member nations. However most distribution is limited to nations where the subject of the notice or advisory is likely to be encountered.

- o An INTERPOL Red Notice is used to seek the arrest with a view toward extradition of subjects wanted and based upon an arrest warrant.
- o An INTERPOL Blue Notice is used to collect additional information about a person's identity or illegal activities in relation to a criminal matter.
- o An INTERPOL Green Notice is used to provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.
- o An INTERPOL Yellow Notice is used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.

www.ice.gov

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APR 26 2004



U.S. Immigration
and Customs
Enforcement

☐
MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations
FROM: 
David J. Ventrella
Acting Director

SUBJECT: Addition of Chapter 19, Section 17 (Fugitive Operations Insignia) of
the Detention and Deportation Officers Field Manual (DDFM)

BACKGROUND

The use of distinctive insignia to identify members of a particular group is as old as mankind. Some of the first recorded uses of distinctive insignia can be traced to the time of the Roman Empire when flags and staffs marked various legions and their units. The development of flags for the purpose of identifying particular countries became prominent when men took to sailing ships and began to explore the world.

In modern times distinctive insignia has been used to identify not only that a person was a member of a particular military unit but also specific units of larger units. Within many law enforcement agencies various divisions and programs develop and use a distinctive insignia. These insignia serve to not only identify what a particular division or program does to members of an agency, but also to the general public. They also serve the vital function of improving morale and establishing an *esprit de corps* that serves the unit well in good times as well as bad.

Recognizing the many positive benefits that come with a unit insignia, and the high priority placed on Fugitive Operations (FUGOPS) by the Assistant Secretary U.S. Immigration and Customs Enforcement and Detention and Removal's Strategic Plan (*ENDGAME*), the Director of Detention and Removal (DRO) directed the Chief, Fugitive Operations Branch (FOB), to develop an insignia for the National Fugitive Operations Program. In the January/February 2004 issue of *The Fugitive Operations Newsletter*, a contest was announced and all members of DRO were asked to submit proposals for an insignia. From the submissions four candidates were selected and an e-mail was sent to all Field Office Directors asking them to forward to their officers the nominated selections and requesting that all officers vote on their choice. After a tally of the votes the final selection was submitted to the Director, DRO for approval. The following insignia is a culmination of that development process.

The DDFM is changed to reflect the addition of Section 17, Chapter 19. Accordingly the DDFM is changed as follows:



**U.S. Immigration
and Customs
Enforcement**

MAY 20 2005



MEMORANDUM FOR: Field Office Directors
FROM: Wesley Lee
Acting Director
SUBJECT: Addition of Chapter 19, Section 18, International Police
Organization (INTERPOL) of the Detention and Deportation
Officer's Field Manual (DDFM)

The DDFM is updated to reflect the addition of Section 18, Chapter 19. Accordingly, the DDFM is updated as follows:

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I. Background

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- An INTERPOL Yellow Notice is used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.

Local banks

Most banks have a Director of Security. Liaison should be initiated with these officials, as they are often helpful in providing account information. Security officers frequently meet at regularly scheduled intelligence conferences to discuss problems and concerns. Usually, ICE officers are welcome to attend these meetings and information/wanted posters can be circulated among the attendees.

Airline Security Divisions

Liaison should be established with airline security officials of airlines that have direct flights to countries that fugitives are likely to travel to. Wanted posters may be given to these officials, but these officials should be briefed of the restrictions and prohibitions contained in Section 215 of the Immigration and Nationality Act regarding the departure from the United States of certain classes of aliens.

Confidential Informants

The use of wanted posters with Confidential Informants can reap enormous results, however, a certain amount of caution must be used when doing so. Prior to allowing Confidential Informants to view Service wanted posters, you must be extremely confident in their ability and reliability. These may be Confidential Informants from ICE or other agencies. In any event, you should be thoroughly familiar with all ICE policies and regulations regarding their use. Once again, Confidential Informants should not be given a copy of the poster or if given one, warned to keep them in a secure location. See [REDACTED] - Confidential Informants.

CLOSING ACTIONS FOR FUGITIVES APPREHENDED USING WANTED POSTERS

Fugitive cases apprehended using a wanted poster should be immediately reported to all agencies/personnel on the wanted poster distribution list. This will foster good liaison and not waste the time of other agencies in looking for fugitives that have already been apprehended and removed. Also make sure that the case is removed from NCIC or transferred into the Deported Felon File (DFF), if applicable. TECS and DACS should be properly updated as well.



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U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement



MEMORANDUM FOR:

Field Office Directors
Deputy Field Office Directors

JAN 19 2010

FROM:

David J. Venturella
Acting Director

A handwritten signature in black ink, appearing to read "David J. Venturella".

SUBJECT:

Documentation of Consent in Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment. The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6), (b)(7)(C) at (202) 732-(b)(6) or email her at (b)(6), (b)(7)(C)

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR:

Field Office Directors
Deputy Field Office Directors
Deputy Assistant Directors

SEP 04 2009

FROM:

David J. Venturella
Acting Director

SUBJECT:

Designation of Cold Case Fugitive
Files and the Creation of a
Fugitive Docket for the Fugitive
Operations Support Center

Purpose

This memorandum establishes the Standard Operating Procedure (SOP) for designation of Cold Case Fugitive (CCF) files and creates a Fugitive Operation Support Center (FOSC) docket. Currently, all fugitive alien files are designated as active cases in field investigative status and considered part of the fugitive alien backlog regardless of case viability. Pursuant to this memorandum, CCF files will be removed from active field investigative status and will be assigned to a cold case docket assigned to FOSC; thereby eliminating cold cases from the fugitive alien backlog. The creation of CCF files and a corresponding FOSC docket redirects field enforcement efforts toward viable fugitive cases.

Background

The National Fugitive Operations Program's (NFOP) primary mission is to reduce the fugitive alien backlog in the United States. A fugitive alien case is removed from the backlog when one or more of the following occurs: i) the target is arrested; ii) it is determined that the target has self-removed; iii) it is determined that the target is currently incarcerated; iv) the target's immigration status has changed and is no longer removable; or. v) the target has died. Currently, absent any of the aforementioned events, a case remains part of the fugitive alien backlog and on field dockets regardless of: i) the age of the case; ii) lack of identifying information; or. iii) lack of viable information on the target.

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
AND REMOVAL OPERATIONS**

☐ **Policy Number:** **Enforcement and Removal Encounters**

Issue Date:

Effective Date:

Review/Expiration Date:

Superseded: None

Federal Enterprise Architecture Number:

1. **Purpose/Background.** This directive identifies requirements and provides general procedures for using the Enforcement Integrated Database (EID) as ERO's electronic system of records for administrative processing of foreign born nationals. EID is the U.S. Department of Homeland Security's (DHS) shared database repository for several DHS law enforcement and homeland security applications and is currently accessed through the Enforcement and Case Tracking System (ENFORCE) application.
 - 1.1 The purpose of the directive is to support the identification and arrest of individuals (both citizens and noncitizens) who commit violations of Federal criminal laws enforced by DHS.
2. **Policy.** All ERO law enforcement officers will document foreign born national encounters in the EID (e.g., using the ENFORCE application).
3. **Definitions.**
 - 3.1. *Encounter:* the interview, screening, and determination of citizenship, nationality, and legal rights of any person in the United States at any time.
 - 3.2. *Interview:* a formal meeting in which a law enforcement officer questions a person believed to be an alien about citizenship, nationality, and the legal right to be in the United States.
 - 3.3. *Screening:* the process of verifying the identity of a person through biographic and or biometric identifiers.
 - 3.4. *Biographic identifiers:* personal information obtained from a person or third party (e.g., name, address, social security number, driver's license).
 - 3.5. *Biometric identifiers:* identity analysis of physical samples obtained from a person or provided by a third party (e.g., fingerprints).



- 3.6. *Enforcement action*: a law enforcement activity (e.g., encounter, investigative detention, arrest, bond) taken by DHS to address criminal or administrative violations.

4. Responsibilities.

- 4.1. The *Criminal Alien Division* is the Office of Primary Interest and is responsible for managing and overseeing compliance to this Directive.
- 4.2. All ERO law enforcement officers who encounter persons are responsible for documenting that encounter in the Enforcement Integrated Database (e.g., by using ENFORCE).

5. Procedures.

5.1. Law enforcement officers:

- 1) Document encounters in the Enforcement Integrated Database (e.g., by using ENFORCE).
- 2) Create only one encounter based on the same enforcement action for the same person. Enter any crime information necessary to correctly indicate a foreign born national's criminal offense level (e.g., in ENFORCE through the CRIME ENTRY SCREEN).
- 3) Input as an encounter subjects found through investigation to be derived or naturalized citizens.
- 4) If you determine that a person initially detained as a possible alien is a United States citizen, notate the record with your determination and state that no further action will be taken.
- 5) Do not enter information about U.S. citizens interviewed or screened unless being investigated or arrested for administrative or criminal immigration law violations.

6. Authorities/References.

- 6.1. 6 U.S.C. §§ 101- 103, 111-113
- 6.2. 8 U.S.C. § 1357
- 6.3. 40 U.S.C. § 1315
- 6.4. 8 C.F.R. § 287

SUBJECT: Designation of Cold Case Fugitive Files and the Creation of a Fugitive Docket for
the Fugitive Operations Support Center

Page 2

Discussion

To be eligible for CCF status, the case must meet the following criteria:

- The last known address is older than 10 years and/or there is no last known address; and,
- All investigative leads have been exhausted and there have been no significant investigative leads or active developments on the case for the previous ten consecutive years; or,
- No identifying biometric documents (i.e. fingerprints or photographic images) can be located following a thorough search of all appropriate Department of Homeland Security (DHS) and open source databases; thereby exhausting all investigative leads.

The following priorities will never be eligible to be designated as a Cold Case and eligible for CCF status:

- I. Fugitives that pose a threat to national security
- II. Fugitives that pose a threat to the community
- III. Fugitives that are convicted of violent felonies

Initial Transfer of Cases to the CCF Docket



Upon implementation of this policy, FOSC will create a three letter docket control office (DCO) code that will designate a case in EARM as a CCF file. The three letter DCO code will be "FOS." Once the FOS code is created and included in EARM, FOSC will establish the initial baseline for creation of CCF files by performing extensive queries on numerous data sources (e.g., ENFORCE, CLAIMS, CIS, TECS, NCIC, EOIR, etc). The data source queries will determine case eligibility for CCF designation in accordance with all docket control policies and procedures in common use throughout the country.

After FOSC identifies a case as a CCF case, FOSC will notify the respective field office. The field office will maintain a copy of the work folder in an area accessible to the field office and transfer the physical file to the National Records Center (NRC). FOSC will also forward a list of cases designated as CCF cases to the Statistical Tracking Unit, which will perform a batch EARM change from the current DCO designation to the new FOS designation. Once a case has been designated as an FOS case in EARM, the case will become part of the FOSC docket. Once a case becomes a part of the FOSC docket, it will no longer be considered part of the fugitive alien backlog.

Standards for CCF Designation Following Initial Transfer Period

Field Office Responsibilities

After the initial transfer of CCF cases to the FOSC docket, each individual field office will be responsible for designating cases as CCF cases and assuring their proper handling. The case officer should complete the following prior to initiating a CCF file designation:

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and





U.S. Immigration
and Customs
Enforcement

MAY 20 2005



MEMORANDUM FOR: Field/Office Directors
FROM: Wesley Lee
Acting Director
SUBJECT: Addition of Chapter 19, Section 18, International Police
Organization (INTERPOL) of the Detention and Deportation
Officer's Field Manual (DDFM)

The DDFM is updated to reflect the addition of Section 18, Chapter 19. Accordingly, the DDFM is updated as follows:

19.18 International Criminal Police Organization (INTERPOL)

I. Background

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INTERPOL maintains six color-coded notices and subject advisory notices (Appendix ~~10-15~~). All notices and advisories are available to any of the over 180 member nations. However most distribution is limited to nations where the subject of the notice or advisory is likely to be encountered.

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U.S. Immigration
and Customs
Enforcement

MAY 20 2005



MEMORANDUM FOR: Field Office Directors

From: Wesley Lee
Acting Director

A handwritten signature in dark ink, appearing to read "Wesley Lee".

Subject: Addition of Chapter 19, Section 18,
International Police Organization
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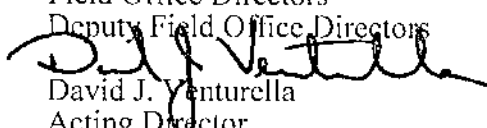
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- An INTERPOL Yellow Notice is used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.
- An INTERPOL Black Notice is used to seek the true identity of unidentified bodies.



U.S. Immigration
and Customs
Enforcement



AUG 12 2009

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors
FROM: 
David J. Venturella
Acting Director
SUBJECT: Guidance for E-mailing Scanned Documents to the Law
Enforcement Support Center (LESC) for Entry into the National
Crime Information Center (NCIC)

Purpose

This memorandum replaces previous guidance regarding the physical shipment of A-Files as outlined in the June 13, 2008, guidance entitled *Updated Requirements for the Placement of ICE Fugitive, Deported Aggravated Felon Cases and Criminal Warrants into the NCIC Immigration Violator File*.

Background

The Absconder Apprehension Initiative established Standard Operating Procedures for the entry of ICE fugitives as 'Lookouts' into the NCIC system by the Office of Detention and Removal Operations (DRO). This procedure included shipping the ICE fugitive's complete A-file to the LESC for the manual input of information into NCIC as well as the long-term storage of that A-file. This process is costly and removes the A-file from the field. LESC is currently in the process of digitally scanning all documentation necessary for entering an ICE fugitive into NCIC. The following procedure shall replace the previous method of shipping the A-file to LESC.

Procedure

DRO personnel will be required to scan and e-mail the following documents to LESC for entry into the NCIC:

- Warrant of Removal (I-205), both sides
- FD-249 Fingerprint card, both sides
- Photograph
- Record of Deportable / Inadmissible Alien (I-213), or
- Information for Travel Document or passport (I-217)



**U.S. Immigration
and Customs
Enforcement**

SEP 11 2009

☐
MEMORANDUM FOR: All Program Directors
FROM: Alonzo R. Peña *Alonzo R. Peña*
Deputy Assistant Secretary, Operations
SUBJECT: Reporting Use of Force Incidents

Purpose

This memorandum is to remind all U.S. Immigration and Customs Enforcement (ICE) law enforcement personnel of the proper reporting procedures for use of force incidents as contained in the interim ICE Use of Force Policy.

Background

Timely and accurate reporting of use of force incidents involving ICE law enforcement employees is an important aspect of public safety and protects the interests of ICE and its employees. Use of force incident reports are reviewed and analyzed by the National Firearms and Tactical Training Unit (NFTTU) to identify the need for improved equipment, training and policy related to this subject. The interim ICE Use of Force Policy contains the requirements for reporting use of force incidents, including the use of deadly force, the discharge of firearms, the use of hard techniques, chemical agents and intermediate use of force devices. The interim ICE Firearms Policy requires all ICE officers to receive quarterly training on ICE use of force policies, to include reporting procedures and the ICE Use of Force continuum.

In addition to sending the initial Significant Event Notification (SEN), use of force incidents require the submission of reports to the NFTTU and the Office of Professional Responsibility (OPR). The time frames for submission and level of detail required in these reports are outlined in the interim ICE Use of Force Policy and vary depending on the type of force used.

Discussion

During a recent review, the NFTTU discovered that a significant discrepancy existed between the number of incidents reported to the ICE Reporting Operations Center (IROC) and what was reported to the NFTTU. To ensure all reports are submitted in accordance with the procedures and time lines required by ICE policy, the following information is provided as your guide for notifications:

Use of Force Reporting to the NFTTU:

- Reports submitted electronically should be e-mailed to NFTTU@dhs.gov.

SUBJECT: Reporting Use of Force Incidents

Page 2

- Reports submitted by facsimile should be transmitted to (202) 732-(b)(6),
(b)(7)(C)
- For reports that are hand-carried, delivered by overnight shipping carriers or by U.S. Mail, use the following address:

U.S. Immigration and Customs Enforcement
National Firearms and Tactical Training Unit (NFTTU)
500 12th Street, SW, Room 5008
Washington, DC 20024

Use of Force Reporting to OPR.

- Reports may be emailed to the Joint Intake Center electronically to (b)(6), (b)(7)(C) [ice.dhs.gov](mailto:opr@ice.dhs.gov)
- Questions may be directed to the Joint Intake on: 1-877-(b)(6), (b)(7)(C)
- Reports can be submitted via facsimile to (202) 344-(b)(6),
(b)(7)(C)
- Reports that are hand-carried, delivered by overnight shipping carriers or by U.S. Mail, should use the following mailing address:

U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
Joint Intake Center
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044

The NFTTU has also compiled an overview of the proper processes for reporting use of force incidents in a Frequently Asked Questions (FAQ) format that should be a useful tool for all ICE law enforcement employees, their supervisors and managers. These steps were taken directly from the interim ICE Use of Force Policy and do not establish any new ICE processes or procedures. The FAQ overview document is attached for your convenience and will also be posted on the NFTTU web site.

Interim ICE Firearms and Use of Force Policies are also available online at the NFTTU web site on the ICE Intranet at <http://intranet.ice.dhs.gov/sites/nfttu/> by clicking on the Firearms and Force Policies and Guidelines Quick Link located in the right margin of the web page.

Please ensure this information is distributed to all personnel within your program. Questions regarding this memorandum, and firearms and use of force policies in general should be directed to Humberto Medina, Director, NFTTU at (b)(6), (b)(7)(C) [ice.dhs.gov](mailto:hmedina@ice.dhs.gov).

Attachment



U.S. Immigration
and Customs
Enforcement



JUL 20 2004

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

FROM: Victor X. Cerda
Acting Director

SUBJECT: Use of Restraints

A handwritten signature in black ink, appearing to read "VX Cerda", written over the printed name of the Acting Director.

Detention and Removal Operations policy regarding the use of restraints on individuals is contained both in the use of Restraints Enforcement Standard and the Escorts Enforcement Standard. Standard III. C. requires that each officer will make an assessment of the detainee's risks to the public, the escorting officer(s), and him or herself, as well as the likelihood of absconding when determining whether to use restraints. This assessment will include, at a minimum, a review of the detainee's criminal violations (if any), aggressive or asocial behavior, suspected influence of alcohol or drugs, physical condition, sex, age, and medical condition. Officers should also take into consideration the nature of the assignment such as type of detainee, length of travel, destination, and exposure of the individual to the public. This is a reminder that only that amount of restraint needed to ensure the safety of the officer, the detainee, and the public and/or to prevent escape shall be employed.

As our current Escorts Enforcement Standard makes clear, transporting officers will not handcuff women or minors. When an officer determines that conditions warrant the use of restraints for members of a family unit, females or juveniles, the officer must be able to articulate the conditions that require the restraints, in accordance with Standard III. C. If an exception arises, the officer or contract guard will document the incident, recording the facts and reasoning behind the decision to use restraints. This is a restatement of our present policy.

In situations involving DRO contract guards supporting Customs and Border Protection (CBP), CBP Supervisors will make recommendations, based on articulate facts, on whether the individual should be restrained. DRO guards shall take that recommendation into consideration when making a determination. If the contract guard disagrees with the CBP supervisor, the guard should contact a DRO supervisor for review.

All Field Office Directors are tasked with ensuring that all officers and contract guards under their area of jurisdiction are aware of the standards relating to the proper use of restraints, the use of



U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

425 I Street NW
Washington, DC 20536

MAR -8 2002



MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Anthony S. Tangeman
Deputy Executive Associate Commissioner
Office of Detention and Removal

SUBJECT: National Fugitive Operations Program Implementation and Enhancement

This guidance supplements the memorandum issued by Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, relating to the National Fugitive Operations Program (NFOP).

Purpose:

This directive describes the distribution of forty law enforcement officer and support positions authorized and funded under the USA Patriot Act for the apprehension, processing and removal of fugitive aliens. It also provides initial policy guidance on the use of these positions.

Background:

In Mr. Pearson's memorandum, he directed Headquarters Detention and Removal Operations (HQDRO) to implement an NFOP. He further directed HQDRO to assume oversight for that program and to develop and issue a Standard Operating Procedure (SOP) for implementation at the national level. As stated in the memorandum, a successful and robust NFOP is a key component of the Immigration and Naturalization Service's (INS) contribution to the national security effort through the elimination of the fugitive case backlog and enhancement of our overall removal efforts. It must be one of the core fundamental enforcement activities of the INS.

In response to the terrorist attacks of September 11th, Congress passed landmark legislation in the form of the USA Patriot Act. The Act provided funding and positions for law enforcement agencies' roles in the war against terrorism.

Subject: Operation Cross Check — Directive and Guidance

Page 2



Field Offices shall develop primary target lists and ensure that the lists are queried in the various ICE indices to ensure de-confliction with the Office of Investigations (OI). Field Offices will coordinate with the Fugitive Operations Support Center (FOSC) and the Detention Operations Coordination Center (DOCC) prior to implementing all "Operation Cross Check" initiatives. This process will ensure consistency in prioritizing targets, and enhance coordination between ICE DRO and other law enforcement agencies.

Planning and execution of Operation Cross Check consists of five steps: (1) development of primary target lists, (2) analysis and exploitation of data, (3) prioritization of targets, (4) coordination with the U.S. Attorney's Offices, and 5) commencement of enforcement actions against removable aliens.

Step 1 - Develop Primary Target Lists:

Field Offices shall utilize local law enforcement contacts and other valid sources to obtain electronic lists of foreign-born persons within their respective AOR's who meet the operation's specific criteria. The primary target list shall be queried into Treasury Enforcement Communication System (TECS) to ensure OI de-confliction. The list will then be forwarded to the FOSC for an initial assessment.

Step 2 — Analyze and Exploit Target Lists:

The FOSC shall review the information and compare it to law enforcement and commercial databases to develop lists of potential targets. The FOSC will then forward the target list to the appropriate Field Office for action.

Step 3 - Prioritize Targets:

Upon receipt of the list from the FOSC, FOT's will prioritize targets utilizing the following NFOP criteria:

1. Aliens with a nexus to terrorism
2. Fugitive aliens with criminal convictions
3. Non-fugitive aliens with criminal convictions
4. Other fugitive aliens
5. Aliens amenable to prosecution for federal or local violation(s) of law, and other removable aliens.

Field Offices shall initiate immediate enforcement action on any alien who is identified as an imminent threat to national security or public safety.

Step 4 - Coordinate with U.S. Attorneys and Law Enforcement Partners:

Upon prioritizing the target lists, Field Office Directors (FOD's) shall meet with their respective U.S. Attorney's Office (USA's). These meetings will serve to brief the USA's on Operation Cross Check and solicit prosecution, as appropriate, of subjects targeted for



LE

Deportation Officer
NVL/TN Fugitive Operations

Date

(b)(7)(C),(b)(6)

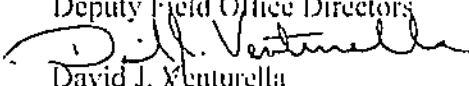
10/15/2010

Form G-166C (7-1-83)



U.S. Immigration
and Customs
Enforcement

JUL 19 2010

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors
FROM:  
David J. Venturella
Acting Director
SUBJECT: Documentation of Consent to Enter and Search

Purpose

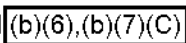
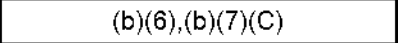
This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief  at (202) 732- or email  (b)(6), (b)(7)(C)

PART 4: Processing Cases

FOTs will follow standard processing procedures for the removal of an alien with a final order (see the CAP/FUGOPS Quick Reference Processing Guide at <http://tinyurl.com/2faphzb>). FOT Supervisors are responsible for implementing any superseding or additional guidance sent out by the NFOP.

Officers will also update FCMS and EARM with criminal activity, case category changes, and case actions. Concisely note the arrest and any special circumstances surrounding the case in the Case Comments box under the Comments tab. If an A-file has to be requested from the National Records Center or another field office, the processing FOT officer will make the request and document it in the A- or T-file and EARM.

Review cases for prosecutability. Present amenable cases to the Assistant U.S. Attorney or refer them to the Violent Criminal Alien Section (VCAS) unit or prosecution officer. An officer will establish a case in TECS and complete a Report of Investigation (ROI). See the [DRO TECS Case Management User Guide](#).

When transferring a case to the detained docket, provide the travel document and birth certificate, if available, and, from the target folder copies of the signed I-205, final order of removal and BIA decisions and any judicial decisions on removal.

Do not place FOWs or investigative paperwork in the A-file. The Field Office must maintain Target Folders indefinitely, pending further guidance.

Reporting Requirements

FCMS



Enter daily enforcement activities into FCMS as they occur, but no later than midnight Friday, as follows:

- **Arrest:** If applicable, select "Arrest" from the "Action" drop-down menu.
- **Located/Detainer (I-247 Lodged):** Select "Located/Detainer (I-247 Lodged)" from the "Action" drop-down menu after locating and placing a detainer on an individual detained by another agency.
- **Case Category Changed:** If the fugitive case category (5B, 8E, or 8I) is no longer appropriate, select "Case Category Changed" from the "Action" drop-down menu.
- **Case Closure:** If the alien is no longer a fugitive and the case should be closed, select "Case Closure – Self Removal," "Case Closure – Deceased," "Case Closure – Benefits REC'D," or "Case Closure – Removed" from the "Action" drop-down menu.

- the requesting government has agreed to expeditious issuance of travel documents to facilitate the target's return, if necessary.

When INTERPOL issues a FAR request (Red Notice, Diffusion Message, or Special Notice) for an international fugitive believed to be in the United States, NFOP will alert the FOT Supervisor with jurisdiction.

Liaison and Task Forces



FOT members are encouraged to interact with other law enforcement agencies, task forces, and non-governmental organizations to foster cooperative relationships. Officers may, with approval from the FOD, serve on law enforcement task forces that share common goals with the NFOP and contribute to the ERO mission as a force multiplier. See the "Building Partnerships" section of ICE Directive 11001.1.

Media

Do not interact with media representatives. Refer media inquiries to the FOD, who will coordinate with the ICE Office of Public Affairs.

Refer requests for "ride-alongs" to the FOD, who will coordinate with the Public Affairs Office, and HQ NFOP. The FOT Supervisor will submit an operational plan and target list to the FOD and HQ NFOP.

Web site:

www.usdoj.gov/usncb



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U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration and Customs Enforcement

AUG 10 2005

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM:

John P. Torres
Acting Director
Detention and Removal Operations

SUBJECT:

Mandatory Data Checks for Detention and Removal Arrests

In an effort to enhance operational integrity and officer safety, U.S. Immigration and Customs Enforcement (ICE) Detention and Removal Operations (DRO) personnel will conduct data checks in the Treasury Enforcement Communications System (TECS) prior to any enforcement activity.

The ICE Office of Investigations (OI) utilizes the TECS Case Management (CM) module for processing investigative cases. This module allows OI to open cases, write Reports of Investigations, input and link subject records, complete Search/Arrest/Seizure Reports, and create Significant Activity Reports.

To ensure that DRO Officers are aware of potential existing criminal investigations, DRO personnel are requested to implement the following de-confliction guidance:

- DRO personnel will perform, in advance of any enforcement operation, a TECS (b)(7)(E) check on all known primary and collateral targets, and will annotate that the check was completed on the fugitive operation worksheet.
- DRO personnel will also perform a TECS (b)(7)(E) check, on all known primary and collateral addresses and will annotate that the check was completed on the fugitive operation worksheet.
- If a (b)(7)(E) record match is identified, DRO will contact the record owner to ensure appropriate de-confliction.
- ICE Special Agent in Charge (SAC) and ICE Field Office Director (FOD) should coordinate de-conflictions with other law enforcement entities when necessary and appropriate.

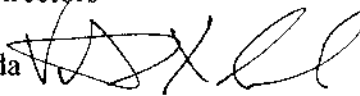
Any questions regarding this guidance can be directed to (b)(6),(b)(7)(C) Unit Chief of Fugitive Operations, in headquarters DRO, at (202) 353-(b)(6) or by email at (b)(6),(b)(7)(C)

ALL INFORMATION CONTAINED
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DATE 01-28-01 BY 304



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Field Office Directors

FROM: Victor X. Cerda  
Acting Director

SUBJECT: Operation Predator Notices for Interpol

Purpose

Recently, each Field Office Director received a list of Operation Predator cases identified for their respective area of responsibility as well as instructions for completing Interpol Green Notice applications on each case. This memorandum serves as follow-up to that message and establishes policy for future case preparation in regards to cases removed pursuant to Operation Predator.

Background

The location, apprehension and removal of Operation Predator violators continues to be a priority for Immigration and Customs Enforcement (ICE). It is ICE's intent to ensure that these predators do not prey upon others upon their return to their country of origin. In light of this, an agreement has been reached between ICE/DRO and Interpol, U.S. National Central Bureau (NCB). Interpol-NCB will post Operation Predator cases in their database and provide Green Notice flyers to law enforcement agencies internationally to ensure these cases get the attention they require.

Discussion

Interpol maintains a system of five color-coded advisory notices on individuals and another five advisories for criminal operations (groups), property and criminal activities. All Interpol notices are available internationally through their database but, for the most part, their active distribution is restricted to locations where the subject of the advisory is likely to be encountered.

A Green Notice is an Interpol generated advisory that "provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters, pornographers)". Operation Predator cases meet this definition. Interpol will be made aware of Operation Predator cases through the completion of Green Notice applications (attached).

REFERENCES

Safety Awareness for Public-Contact Employees; By JACQUELINE B. WHEELER and CHRISTOPHER M. LANDO, Internet, 2007.

The Professional Law Enforcement Assistants' Association By Debra S. Beebe, M.Ed., and Joy Rikala, M.A., PLEEA, Internet 2007.



further the enforcement mission of U.S. Immigration and Customs Enforcement, the National Fugitive Operations Program FOTs will focus their resources, in order of priority, on the three tiers outlined below. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3.

Tier 1 Fugitive aliens

- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens

- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes

- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purpose of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purpose of Secure Communities



DRO will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and convictions attributed to teams during operations.

(b)(7)(E)

Tier 3

Level 1 – Individuals who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery, and kidnapping

Level 2 – Individuals who have been convicted of minor drug offenses and mainly property offenses such as burglary, larceny, fraud, and money laundering;

Level 3 – Individuals who have been convicted of other offenses

If an individual is found to be a juvenile, the Fugitive Operations Team will adhere to:

Director John P. Torres, Memorandum, Aug. 24, 2007, "Juveniles Encountered During Fugitive Operations".

Director John P. Torres, Memorandum, Oct. 1, 2007, "Protocols and Handling unaccompanied Children".

- If an unaccompanied alien juvenile is encountered, the FOT should contact the Field Office Juvenile Coordinator (FOJC).
- If the FOT encounters a fugitive alien responsible for the custody of a USC/LPR juvenile, you must coordinate the transfer of the juvenile (in this order).
- Contact the nearest welfare authority. If they cannot respond or assist you must document the FOT request to the welfare authority and then contact local law enforcement. If they cannot respond or assist document the FOT request and transfer, at the fugitive alien's request, the juvenile to a verifiable third party.

Memorandum Aug. 24, 2007

NOTE: The transfer of a juvenile to a third party will be documented using the Transportation Consent Form.

Attached to Memorandum
Aug. 24, 2007

Topic 3: Prosecutorial Discretion

Officers must keep in mind prosecutorial discretion authority when dealing with juveniles. Assistant Secretary Julie L. Myers, Memorandum Nov. 7, 2007, "Prosecutorial and Custody Discretion" when dealing with juveniles. In exigent circumstances when all of the above options are unavailable, it is recommended that Alternative to Detention Programs be considered.

Reference Commissioner
Doris Meisner, Memorandum
Nov. 7, 2000, "Exercising
Prosecutorial Discretion".



Additionally, in accordance with Julie Myers Memorandum, Nov. 7, 2007, "Prosecutorial and Custody Discretion" nursing mothers should be released on an order of recognizance, with considerations of alternative to detention, in the absence of any threat to national security or a threat to the community.

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EPO 7**Utilize database systems to work case files.****Topic 1: System Matrix**

The matrix serves as a reference guide to systems and databases to develop investigative leads.

This matrix should be revisited periodically when leads are exhausted while attempting to locate a fugitive. The MATRIX is a systemic and methodical approach to processing Fugitive cases in a particular AOR. Basically a starting point and an ending point for officers and agents to follow. A rough outline of checks that must be conducted and the order in which they should be conducted.

Topic 2: Field Operations Worksheet

The Field Operation Worksheet (FOW) is a form that should be used for all arrest operations. It contains various informational sections for the target alien, case officer, arrest team and operational notes. The FOW also has an area for signature for both SDDO, and the FOD or his/her designee.

The information for target alien includes biographical and historical data, along with a recent picture if available. The information for the arrest team will include phone numbers, vehicle assignments, position within the team and schedule of targets and addresses. Also included are maps and phone number for nearest trauma center and non emergency phone numbers for local the police.

EPO 8**Identify and Utilize components of FCMS****Topic 1: The categories in FCMS**

There are several categories of cases and functions within FCMS, in the future EARM/Enforce will be linked to FCMS 1.2 and it will populate most of the biographical data and there will be no duplication of work.

Topic 2: How to change case categories within FCMS.

Case categories are changed after subject has been granted a benefit or is an absconder. Depending HQNFOP guidance case categories may stay as absconders ever after arrest.

One of the greatest benefits to be derived from a well organized fugitive apprehension program is the ability to identify and target those fugitives amenable to immediate and unimpeded removal. In order for this benefit to be realized some basic principles must be followed.

CASE MANAGEMENT

Cases will be primarily managed and monitored utilizing the *Treasury Enforcement Communications System* (TECS). Instructions for the use of TECS will be provided when published by the Bureau of Immigration and Customs Enforcement. However, Deportable Alien Control System (DACS) must remain current and up to date. This is especially important if a FOT is to be properly credited for apprehensions. Members of HQDRO designated FOTs shall not be assigned to any general docket management. Their responsibility is the investigation, location and apprehension of a fugitive.

Their only duty with respect to DACS is to ensure that a case has been properly coded in DACS as a fugitive and (using DACS as a case management tool) update DACS as the investigation progresses. Once a fugitive has been apprehended the entire case will be turned over to the general assignment deportation officer who is responsible for the target's portion of the docket.

Verification of Removability

A basic function of a Deportation Officer assigned to the program is to conduct a thorough review of the A-file to determine an alien's eligibility for removal. This function entails the review of all documents contained within the A-file and checks of all available ICE data base indices. In addition, efforts must be made to confirm or deny the existence of any court actions pending before both the Immigration Court and United States District Courts having jurisdiction over a given case. Such actions could affect the Service's ability to remove an alien.

Officers must also make every effort to determine whether or not a given alien is wanted by another agency or has charges pending before any court. Although our intent is to expeditiously remove aliens with final orders we have the responsibility of ensuring, to the extent possible, that state, local and federal agencies are afforded the opportunity to prosecute aliens charged with crimes under their jurisdiction.

Determination of Probability of Unimpeded Removal

As previously mentioned, a key feature of this initiative is the ability to target aliens whose removal can be executed. There will always be circumstances that will warrant the location and apprehension of non-removable aliens due to public safety or national security concerns. That being said, those aliens where the probability of removal success is high should be targeted first.

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Each field office should be prepared to have adequate detention space available for the arrests that are brought in. One suggestion on eliminating long detention stays would be to attempt to obtain a travel document even before the arrest is made. It is a difficult thing to do but it is something to consider.

Aliens who have violated Title 8 United States Code 1253 should be presented to the local United States Attorney for prosecution.²

Disposition of Cases not Resulting in a Fugitive Apprehension

It is anticipated that there will be cases where after reasonable measures have been taken, the location of the fugitive cannot be ascertained. In such circumstances field officers are to update the case in TECS as well as in DACS. Supervisory concurrence will be required documenting that all reasonable investigative checks/leads have been pursued prior to removing an assigned case from the active fugitive docket. To assist in follow-up investigations, field notes as well as database inquiries gathered during investigation should be included in the fugitive's target folder.

The Law Enforcement Support Center (LESC) has been tasked to assist ICE fugitive operations by entering all fugitive cases into NCIC. Investigations that do not lead to the location of the fugitive are to be properly recorded and forwarded to the LESC for entry into the NCIC System. If the fugitive is located outside of the file control office's area of responsibility, the file should be properly forwarded to the office nearest the location of the fugitive. A sample memorandum forwarding a case to another office is contained in (b)(7)(E)

Prior to forwarding the case to the LESC, officers are to ensure that the information contained in the alien's file meets the requirements for entry into the NCIC database.³ Officers are to create and maintain a target folder with pertinent information on all absconder cases that have been forwarded to the LESC. The target folder will be used for subsequent investigations, operations, forwarding to other Field Offices or arrest operations.

III. CASE PREPARATION

The following should be the minimum actions taken prior to conducting a fugitive operation:

- Conduct a complete review of the subject's file. Officers should conduct a review of other pertinent documents to gather investigative leads. This includes, but is not limited to:
 - Form I-156(s), if sent;

² See 19.8 - Prosecutions.

³ See Appendix 19-4.

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Processing Subsequent to Apprehension

Prior to making the arrest, a decision should have been made to determine if prosecution is appropriate. If the decision was made to prosecute, or if circumstances arising out of the arrest have indicated a need to pursue prosecution, the officer should immediately initiate action to process the fugitive accordingly.⁶

If prosecution is not contemplated, officers will follow standard processing procedures for the removal of an alien with a final order. In addition to these procedures, and subsequent to the arrest of all fugitives, officers will prepare a Record of Deportable/Inadmissible Alien, (b)(7)(E). Officers will pay particular attention in the narrative portion of the form to the following items that may assist officers in locating/apprehending the fugitive in the future:

- Vehicle information/location;
- Specific location of arrest including identity/relation/alienage of other individuals present;
- Escape attempt/violence when effecting the arrest;
- Use of weapons encountered; and,
- Any other items you feel may be helpful. ☐

Officers will close out the case by making the necessary updates on forms (b)(7)(E) and (b)(7)(E). Supervisors will close out the case on Form (b)(7)(E). The officer and his supervisor shall close the case out TECS. The deportation assistant will complete the final case closure by completing the Fugitive Operations screen in DACS.

Officers must ensure that all other cooperating agencies that received notices and/or Wanted Posters on the apprehended fugitive are notified of the case closure. Ensure they are aware of the final disposition of any case they are involved in so they are not continuing to exhaust valuable time and energy attempting to locate a fugitive who is already gone. Make them aware, however, if the possibility exists that the fugitive will return subsequent to the latest removal action.

Interview/Referral of Fugitives Apprehended

In conjunction with the Alien Absconder Initiative (AAI), apprehensions involving aliens from countries identified by the Intelligence Community as having terrorist connections are to be immediately reported by D&R to the Custody Review Unit (HQDRO). The local ICE Investigations (INV) Representative to the Joint Terrorism Task Force (JTTF) having jurisdiction in your area shall also be notified. If there is no ICE INV Rep, then the JTTF will be contacted directly. Should there be no JTTF, officers will contact the local office of the Federal Bureau of Investigation. One of the considerations of a local manual should be identification of JTTF points of contact or the lack of a local JTTF. In

⁶ See 19.8 – Prosecutions

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transport the alien to their residence to obtain the document. It must be stressed that when this is the case, officer safety is paramount and may entail assigning additional officers to the task. Though there may be circumstances that will prevent efforts to obtain travel documents subsequent to arrest, however, these situations should be the exception rather than the norm.

Escort Planning

Escort planning goes hand in hand with travel document management, as many consulates require itineraries prior to issuing travel documents. Anytime an escort can be planned prior to an apprehension, the efficiency in which an alien can be removed is increased. The FOT Case Officer shall notify the General Assignment Case Officer in advance of an apprehension whenever possible. The General Assignment Case Officer can then make preliminary coordination with his or her Detention Section.

Consular Notification

Consular notification shall be handled per existing policy and guidance and is the responsibility of the apprehending officer. The list of countries that must be contacted is contained in (b)(7)(E). Officers should also be familiar with *Consular Notification and Access (State Department Publication 10969)*. It is available on line at www.state.gov or hard copies can be ordered from (202) 647-(b)(7)(F).

Final Notes

Always remember to *pay recognition* to cooperating agencies, both within and without of the law enforcement community, with Letters of Commendation and/or wall plaques, etc., for any assistance rendered in locating/apprehending a fugitive. It will help to reinforce and solidify further cooperation between agencies. However, always remember that some agencies do not desire to have their active participation made public. This can generally be said of some large city police departments.

V. REPORTING REQUIREMENTS

All fugitive arrests will be reported through the Fugitive Operations Database. The report is due by close of business (COB) every Wednesday for the all arrests made from the previous Thursday. Information and instructions for the use of the database can be found in (b)(7)(F). This reporting system is scheduled to be replaced with the full implementation of the DACS/ENFORCE Module.



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4. Thereafter either



- A. Enters (If unable to prove time, place and manner of entry, go to Part C below for prosecution under "found in." Even in cases where the entry can be proven, "found in" is an easier case to prove because it only depends on the officer's testimony that first "found" the alien in the United States.)
 - Admission by the defendant **(Requires the testimony of the officer who took the statement)**;
 - I-213, Record of Deportable Alien **(Requires the testimony of the officer who completed the form)**;
 - Passport with admission stamp **(Requires the testimony of the officer who seized the document)**; or,
 - Additional optional records: Customs declaration, foreign documents showing alien in foreign country, CIS, TECS & NIIS **(Also requires testimony.)**
- B. Attempts to enter: Defendant apprehended at border. **(Testimony of arresting officer or secondary inspector who made the decision not to admit the defendant.)**
- C. At any time is found in the United States: Statement from the arresting officer, surveillance officer or ACAP officer who interviewed the defendant in jail. **(Testimony of the officer is required.)** **Note:** Use this charge if unable to establish time, place and manner of entry. Also it is easier to prove if the entry was not witnessed. Instead of proving a past event that was not witnessed by an officer, an officer can easily testify as to where he found the defendant.

5. A. Prior to his removal, or

- B. Prior to his application for admission from a foreign contiguous territory, the alien did not seek or obtain the consent of the Attorney General to reapply for admission: Certification from Headquarters of non-existence of records. Written certification should be ordered immediately upon authorization of the case, but verbal affirmation should be noted in the case report.



U.S. Immigration
and Customs
Enforcement

MAY 20 2005

☐

MEMORANDUM FOR: Field Office Directors

FROM: Wesley Lee
Acting Director

SUBJECT: Addition of Chapter 19, Section 18, International Police
Organization (INTERPOL) of the Detention and Deportation
Officer's Field Manual (DDFM)

The DDFM is updated to reflect the addition of Section 18, Chapter 19. Accordingly, the DDFM is updated as follows:

19.18 International Criminal Police Organization (INTERPOL)

L Background

Headquarters, DRO has previously issued memoranda on the preparation of INTERPOL 'Green Notices'. Those memoranda are made a part of this Section of the DDFM. All DRO personnel regardless of assignment shall refer to this Section when performing activities related to INTERPOL.

INTERPOL maintains six color-coded notices and subject advisory notices (Appendix (b)(7)(E)). All notices and advisories are available to any of the over 180 member nations. However most distribution is limited to nations where the subject of the notice or advisory is likely to be encountered.

- o An INTERPOL Red Notice is used to seek the arrest with a view toward extradition of subjects wanted and based upon an arrest warrant.
- o An INTERPOL Blue Notice is used to collect additional information about a person's identity or illegal activities in relation to a criminal matter.
- o An INTERPOL Green Notice is used to provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.
- o An INTERPOL Yellow Notice is used to help locate missing persons, especially minors, or to help identify persons who are not able to identify themselves.

www.ice.gov

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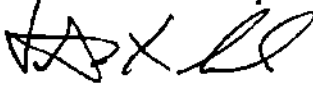
DEC 10 2004



**U.S. Immigration
and Customs
Enforcement**

☐

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

FROM: Victor X. Cerda 
Acting Director

SUBJECT: Addition of Chapter 19, Section 16 (Fugitive Operations Training Requirements) of the Detention and Deportation Officers Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 16, Chapter 19. Accordingly the DDFM is changed as follows:

19.16 Fugitive Operations Training Requirements

POLICY

Effective immediately, all National Fugitive Operations Program (NFOP) teams are required to receive training necessary to accomplish their mission. Each team has a two year window from the date of their creation, and for those currently in place from the date of the issuance of this policy, to complete the below listed required training

THE REQUIRED TRAINING IS AS FOLLOWS:

Basic Fugitive Operations Training Program (FOTP) All Officers¹
Basic First Aid and Cardio Pulmonary Resuscitation² All Officers

Team supervisors are required to maintain the training records of each officer and are to ensure that each officer is qualified as required above. Team supervisors are also to ensure that officers are re-certified in Basic First Aid and Cardio Pulmonary Resuscitation in a timely manner. Furthermore, they are required to make sure training is updated in that particular officer's training record (currently using ONTRACK).

¹ This includes supervisory deportation officers, deportation officers and immigration enforcement agents assigned as NFOP team members.

² Memorandum titled Basic First Aid and Cardio Pulmonary Resuscitation (CPR) Training of Fugitive Operations Team Members, dated December 3, 2003, remains in effect.

APR 26 2004



U.S. Immigration
and Customs
Enforcement



MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

FROM: 
David J. Ventrella
Acting Director

SUBJECT: Addition of Chapter 19, Section 17 (Fugitive Operations Insignia) of
the Detention and Deportation Officers Field Manual (DDFM)

BACKGROUND

The use of distinctive insignia to identify members of a particular group is as old as mankind. Some of the first recorded uses of distinctive insignia can be traced to the time of the Roman Empire when flags and staffs marked various legions and their units. The development of flags for the purpose of identifying particular countries became prominent when men took to sailing ships and began to explore the world.

In modern times distinctive insignia has been used to identify not only that a person was a member of a particular military unit but also specific units of larger units. Within many law enforcement agencies various divisions and programs develop and use a distinctive insignia. These insignia serve to not only identify what a particular division or program does to members of an agency, but also to the general public. They also serve the vital function of improving morale and establishing an *esprit de corps* that serves the unit well in good times as well as bad.

Recognizing the many positive benefits that come with a unit insignia, and the high priority placed on Fugitive Operations (FUGOPS) by the Assistant Secretary U.S. Immigration and Customs Enforcement and Detention and Removal's Strategic Plan (*ENDGAME*), the Director of Detention and Removal (DRO) directed the Chief, Fugitive Operations Branch (FOB), to develop an insignia for the National Fugitive Operations Program. In the January/February 2004 issue of *The Fugitive Operations Newsletter*, a contest was announced and all members of DRO were asked to submit proposals for an insignia. From the submissions four candidates were selected and an e-mail was sent to all Field Office Directors asking them to forward to their officers the nominated selections and requesting that all officers vote on their choice. After a tally of the votes the final selection was submitted to the Director, DRO for approval. The following insignia is a culmination of that development process.

The DDFM is changed to reflect the addition of Section 17, Chapter 19. Accordingly the DDFM is changed as follows:



- OI will immediately refer all matters relating to foreign or immigration fugitives to DRO. If the matter involves an on-going criminal investigation, OI and DRO will coordinate appropriately as defined by these protocols.

Case Management –

- Both DRO and OI will utilize TECS case management and SEACATS to document Reports of Investigation (ROI), criminal arrests, and seizures. SAC offices will enter DRO seizures into SEACATS pending OI training of DRO personnel to assume this responsibility.
- Evidence that is discovered by DRO and subsequently seized by ICE will be entered into SEACATS with DRO as the seizing entity. This will allow DRO to track seizures made as a result of their operations.
- Administrative processing of removable aliens will be conducted by OI and DRO using ENFORCE.

De-confliction –

- For officer safety purposes, OI will provide a briefing to DRO regarding the existing local de-confliction centers or mechanisms within their respective area of responsibility. DRO will take the necessary steps to participate in the local de-confliction center.
- OI will notify DRO of the identification of known foreign or immigration fugitives in advance of any premeditated enforcement action or immediately after an enforcement activity if not known beforehand.
- OI will create timely TECS records to ensure that subjects, vehicles, addresses and organizations of investigative interest to OI can be identified by DRO prior to DRO enforcement operations. DRO and OI will conduct the following TECS queries on all known targets, vehicles, addresses, organizations, and employers prior to their enforcement actions: (b)(7)(E)
(b)(7)(E)
- DRO and OI will conduct the same TECS queries on all aliens who are arrested and administratively processed incidental to a planned apprehension and notify the case agent or officer of any positive results.
- Under the umbrella of Community Shield, OI and DRO will collaborate in the planning of all operations targeting known or suspected members of any street gangs. As such, all statistics will be captured under the Community Shield umbrella. OI will provide DRO the statistical guidance for data collection.

AUG 29 2008



U.S. Immigration
and Customs
Enforcement



MEMORANDUM FOR: All Field Office Directors
All Deputy Field Office Directors

A handwritten signature in black ink, appearing to read "James T. Hayes, Jr.".

FROM: James T. Hayes, Jr.
Acting Director, Office of Detention and Removal Operations

SUBJECT: Criminal Alien Statistics

Purpose

This policy memorandum supersedes, in part, the policy memorandum entitled, "Pre-Removal/Release Record Checks and Related Procedures," by acting Director John P. Torres on July 18, 2006, and includes a requirement to obtain written concurrence for the removal of individuals who have an active ICE Office of Investigations (OI) record in the Treasury Enforcement Communications System (TECS) from an Assistant Special Agent in Charge (ASAC) or higher. Additionally, this memorandum serves to reinforce the importance of accurately capturing and updating information in the ENFORCE Alien Removal Module (EARM).

National Crime Information Center (NCIC) record checks must be conducted for all aliens; positive results must be properly documented in EARM.

Compliance with this policy directive will be monitored by the HQDRO Executive Information Unit (EIU). EIU will perform audits, consisting of a sampling of EARM case closures, from each Field Office on a daily basis.

Procedures

TECS queries will be conducted on all aliens encountered by DRO officers including:

(b)(7)(E)



If the criminal history check, (b)(7)(F) results in a positive response, the EARM Person Tab (Crimes Section) will be updated with the appropriate criminal convictions as defined by the Secure Communities Plan (SC).

The following definitions of each category level of offenses, as described in the SC, are identified below:

Level I – Category convictions are defined as criminal aliens who have been convicted of major drug offenses and violent offenses such as murder, manslaughter, rape, robbery and kidnapping.

Level II – Category convictions are defined as criminal aliens who have been convicted of minor drug offenses or various property offenses, including burglary, larceny, fraud, and money laundering.

Level III – Category convictions are defined as criminal aliens who have been convicted of other, more minor offenses.

As previously stated in a policy memorandum entitled, “Criminal Alien Program (CAP) Case Identification in ENFORCE,” dated July 11, 2006, FODs must ensure that criminal histories in EARM are updated appropriately. These updates will allow for CAP cases to be tracked more accurately.

If a TECS hit occurs, the alien will not be removed until written assurance is provided by the agency owning the record that there is no interest in detaining the alien for further criminal or administrative prosecution. In cases where the owner of the record is ICE OI, an ASAC or higher must concur with removal.

Conclusion

Capturing criminal alien statistics within EARM in a timely matter will ensure that DRO maintains data integrity in the management of all cases. It will also provide for a reliable method of tracking the data, which in turn will account for the number of criminal aliens removed from the United States.

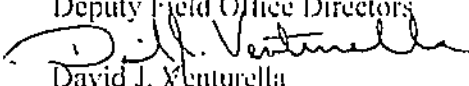
Any questions regarding this policy directive should be addressed to (b)(7)(C), (b)(6)
Unit Chief, CAP Special Programs, via e-mail or telephonically at (202) 616-(b)(7)(C), (b)(6)



U.S. Immigration
and Customs
Enforcement

JUL 19 2010



MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors
FROM: 
David J. Venturella
Acting Director
SUBJECT: Documentation of Consent to Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit (b)(7)(E) Grippo at (b)(7)(E) or email her at (b)(7)(E)



U.S. Immigration
and Customs
Enforcement

JUL 11 2005

MEMORANDUM FOR: Field Office Directors
FROM: Wesley J. Lee
Acting Director
SUBJECT: DRO Addendum to Interim ICE Firearms Policy

Purpose

This memorandum will set forth the policy clarifications required by the recently released Interim ICE Firearms Policy as it relates specifically to officer corps personnel under Office of Detention and Removal (DRO).

Background

On June 11, 2004, Assistant Secretary Michael J. Garcia signed the Interim ICE Firearms Policy which took effect on July 7, 2004. In order to ensure that a complete policy is made available the following addendum is being offered to clarify those points that were left to my discretion. Therefore, effective immediately, the Interim ICE Firearms Policy, along with the attached DRO Addendum, will supplant the Legacy INS Firearms Policy for all DRO field and headquarters operations.

Discussion

DRO Policy clarification of a selected section will be identified in bold type below.

Part 1 Authority to Carry Firearms

B. Authorized Officers

To carry firearms in the performance of their official duties, ICE officers must:

3. Have successfully completed the mandatory basic law enforcement training, including basic firearms training, required for their ICE specific job series and title or successfully completed a substantially equivalent training program approved by the Assistant Secretary through the Director of the National Firearms and Tactical Training Unit (NFTTU);

Discussion

The DRO Leads Intelligence Report database provides a consolatory alignment capability for all DRO field offices and their respective facilities to transmit online informational reports that may constitute an intelligence and or law enforcement nexus to the FIU and SAC within their AOR for correlation, link assessment, and analysis through the existing SEN application database system. The FIU and or SAC will be responsible for transmitting any information deemed of significant intelligence and/or law enforcement value to the appropriate DHS entity for review and any actions that may be deemed appropriate.

Further, those DRO Lead Intelligence Reports deemed having an intelligence and or law enforcement nexus would ultimately be uploaded into TECS under program code 7EC and into the ICE Intelligence Fusion web-site, making the information available to all Law Enforcement and Intelligence Agencies who have access to TECS.

The following examples serve only as a suggestion to the types and nature of information that should be reported into the DRO Leads Intelligence Report database, and by no means is intended to limit or restrict information reported by field offices and their respective facilities if outside the parameters of the examples referenced below.

- Terrorist Ties, Associates, and Activities
- Gang Profiles, Culture and Activities
- Drug Trafficking
- Human Smuggling
- Money Laundering & Fraud
- Document Fraud
- Organized Crime, Membership and Activities
- Criminal Activities

To further enhance your intelligence reporting capabilities, the DRO Leads Intelligence Report database is equipped with a multiple file attachment feature and a reports function to review previously submitted DRO Leads Intelligence Reports.

The gathering and retrieval of reliable source information of an intelligence and or law enforcement value is critical to the overall effectiveness to orchestrate actionable means to ultimately prevent, intercept, and or disrupt acts of potential harm against the Homeland. As a program, DRO has a distinct advantage to gather and retrieve reliable source information through our detained alien populations, and our Fugitive Operations Teams, who interface daily with the local community and other agencies.

However, the DRO Leads Intelligence Report can only be utilized to transmit Law Enforcement Sensitive information and or low-level intelligence. If information is developed that requires national security classification such as Secret or Top secret, a paper (non-automated) DRO Leads Intelligence Report and classified modes of transmission must be used.

SEN Access & Registration

Access to the DRO Leads Intelligence Report database is restricted to Immigration Enforcement Agents (IEA), Deportation Officers (DO), and their respective supervisory ranks within DRO, whose access is subject to approval by the discretion of their respective Field Office Director (FOD).

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536



U.S. Immigration and Customs Enforcement

AUG 10 2005

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM:

John P. Torres
Acting Director
Detention and Removal Operations

SUBJECT:

Mandatory Data Checks for Detention and Removal Arrests

In an effort to enhance operational integrity and officer safety, U.S. Immigration and Customs Enforcement (ICE) Detention and Removal Operations (DRO) personnel will conduct data checks in the Treasury Enforcement Communications System (TECS) prior to any enforcement activity.

The ICE Office of Investigations (OI) utilizes the TECS Case Management (CM) module for processing investigative cases. This module allows OI to open cases, write Reports of Investigations, input and link subject records, complete Search/Arrest/Seizure Reports, and create Significant Activity Reports.

To ensure that DRO Officers are aware of potential existing criminal investigations, DRO personnel are requested to implement the following de-confliction guidance:

- DRO personnel will perform in advance of any enforcement operation, a TECS (b)(7)(E) check on all known primary and collateral targets, and will annotate that the check was completed on the fugitive operation worksheet.
- DRO personnel will also perform a TECS Subject Address Query (SQAD) check, on all known primary and collateral addresses and will annotate that the check was completed on the fugitive operation worksheet.
- If a (b)(7)(E) record match is identified, DRO will contact the record owner to ensure appropriate de-confliction.
- ICE Special Agent in Charge (SAC) and ICE Field Office Director (FOD) should coordinate de-conflictions with other law enforcement entities when necessary and appropriate.

Any questions regarding this guidance can be directed to (b)(7)(C), (b)(6) Unit Chief of Fugitive Operations, in headquarters DRO, at (202) 353 (b)(7) or by email at (b)(7)(E)



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: ALL FIELD OFFICE DIRECTORS

FROM: John P. Torres
Acting Director
Detention and Removal Operations

SUBJECT: Mandatory Data Checks for Detention and Removal Arrests

In an effort to enhance operational integrity and officer safety the following guidance on de-confliction, as it relates to arrests made by Detention and Removal personnel, will be adhered to.

De-Confliction:

- OI will ensure that all targets/addresses related to active cases are entered timely into TECS.
- DRO will perform an (b)(7)(E) TECS query on all addresses known in advance and collateral addresses when practicable, and annotate the fugitive operation worksheet that the check was completed.
- DRO will perform an (b)(7)(E) TECS query on all targets known in advance and collateral targets when practicable, and annotate the fugitive operation worksheet that the check was completed.
- DRO will contact the record owner to ensure appropriate de-confliction, if a record match is found.
- In the event of a silent notification, it will be the responsibility of the record owner to notify the querying official for de-confliction purposes.
- SACs and FODs should coordinate de-conflictions with other law enforcement entities, when necessary and appropriate.

Any questions regarding this guidance can be directed to (b)(7)(C), (b)(6) Unit Chief of Fugitive operations in headquarters, (202) 353 (b)(7)(C), (b)(6)



U.S. Immigration
and Customs
Enforcement

MAY 3 2005

MEMORANDUM FOR: Field Office Directors
FROM: Victor X. Cerdas *[Signature]*
Acting Director
SUBJECT: Enterprise Information Sharing Agreements for the
Deportable Alien Control System (DACS)



Purpose

To provide Points of Contact (POC) to interface with law enforcement entities within other government agencies who will be using DACS on a "Look Only" basis in support of identifying wanted fugitive aliens on their rolls.

Background

The Office of Detention and Removal (DRO) has long attempted to gain a working relationship with other federal government agencies that have contact with aliens on a daily basis for the purpose of identifying those who are in the United States in violation of the immigration laws. As a first step in that relationship, DRO has executed Enterprise-level Interconnection Security Agreements (ISA) with the United States Attorney's Office, United States Marshals Service and the United States Courts to provide these agencies with real-time, look-only access to the ICE Deportable Alien Control System (DACS).

Discussion

The ISA information-sharing agreements will enable selected agency employees to obtain DACS access from their desktop computers. This will provide them with quick access to information on the arrest, detention, and deportation of illegal aliens under the authority of ICE.

FUGOPS has divided the 94 United States Judicial Districts into 23 prioritized groups in order to facilitate DACS deployment and training. Many of the details regarding technical access and training are still being developed and are near completion. To help with the deployment of DACS to these agencies, you are asked to appoint an ICE POC to serve as the DACS training coordinator for each district within your jurisdiction. The ICE POC will coordinate with the agency POCs and assist them during the training phase of this initiative. ICE POCs will be provided with DACS-related



U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

FROM: Victor X. Cerda
Acting Director

SUBJECT: Addition of Chapter 19, Section 13 (Fugitive Operations Insignia,
Uniforms and Equipment) of the Detention and Deportation Officers
Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 13, Chapter 19. Accordingly, the DDFM is changed as follows:

19.13 Fugitive Operations Insignia, Uniforms and Equipment

I. BACKGROUND

The use of distinctive insignia and uniforms to identify members of a particular group is as old as mankind. Some of the first recorded uses of distinctive insignia and uniforms can be traced to the time of the Roman Empire when flags and staffs marked various legions and their units. The development of flags for the purpose of identifying particular countries became prominent when men took to sailing ships and began to explore the world.

In modern times distinctive insignia and uniforms have been used to identify not only that a person was a member of a particular military unit but also a units of larger units. Within many law enforcement agencies various divisions and programs develop and use a distinctive insignia. These insignia and uniforms serve to not only identify what a particular division or program does to members of an agency but also to the general public. They also serve the vital function of improving morale and establishing an *esprit de corps* that serves the unit well in good times as well as bad.

Recognizing the many positive benefits that come with a unit insignia and uniforms, and the high priority placed on Fugitive Operations (FUGOPS) by the Assistant Secretary U.S. Immigration and Customs Enforcement and Detention and Removal's Strategic Plan (**ENDGAME**), the Director of Detention and Removal (DRO) directed Chief, Fugitive Operations Unit (FugOps) to develop an insignia and a uniform for the National Fugitive Operations Program. In the January/February 2004 issue of **The Fugitive Operations Newsletter**, a contest was announced and all members of DRO were asked to submit



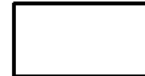
U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

SEP 23 2002



MEMORANDUM FOR DISTRIBUTION LIST

FROM: Johnny N. Williams
Executive Associate Commissioner
Office of Field Operations

SUBJECT: National Fugitive Operations Program Policy and Procedure

On February 25, 2002, this office issued a memorandum directing the Headquarters Office of Detention and Removal (HQDRO) to provide a Standard Operating Procedure (SOP) as field guidance for their National Fugitive Operations Program (NFOP). The attached SOP relates solely to the Detention and Removal Operations NFOP and is effective immediately. It replaces and supercedes all previously issued versions of policy and procedures and field directives relating to the location and apprehension of fugitives. While field offices should augment this SOP with additional procedures that are specific to their office's operating needs, they may not, in any way, conflict with the NFOP policy.

The mission of locating, arresting, and removing fugitive aliens from the United States will be carried out in a safe, humane and legal manner. Training and supervisory oversight is critical in ensuring that the Service's mission is carried out consistently. The attached guidance is to be distributed to all Detention and Removal Operations (DRO) personnel or any other personnel assigned to duties under the auspices of the NFOP. Following the preparation of local policy guidance and examples specific to your district, this SOP should be discussed during in-service training.

This SOP is intended to reinforce existing regulations and policies (e.g., National Detention and Transportation Policy, AM Section 20.012, Headquarters Juvenile Protocol Manual) and reporting procedures for circumstances (e.g., Critical Incidents, Matters Involving Juveniles, Cross-gender Arrest and Search) that officers are likely to encounter while conducting field fugitive operations.



U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

AUG 29 2002



MEMORANDUM FOR DISTRIBUTION

FROM: Johnny N. Williams
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Absconder Apprehension Initiative Standard Operating Procedure (SOP) for
National Crime Information Center (NCIC) Wanted Persons File

Changes in the handling of Immigration and Naturalization Service (INS) entries into the NCIC Wanted Persons File are necessitated by the significant increase in the number of cases to be entered in support of Phase Two of the Absconder Apprehension Initiative (AAI-2) as described in a previous memorandum dated April 18, 2002. The AAI-2 involves the review of hundreds of thousands of files relating to aliens who have unexecuted warrants of deportation/removal outstanding. Those files have been grouped by priority beginning with 18,000 criminals. Additionally, new absconder cases will continue to be prepared and forwarded to the Law Enforcement Support Center (LESC) for entry into the NCIC throughout the life of the initiative.

Detailed instructions, in the form of an SOP, are attached. The following are fundamental elements from the SOP that must exist to support an entry into the NCIC Wanted Persons File at this time:

1. The alien has a final order of deportation or removal and a warrant of deportation or warrant of removal is present in the file. The requisite final order of deportation or removal may include deportation or removal orders issued by immigration judges, administrative removal orders, expedited removal orders, and reinstated deportation or removal orders so long as one of the charges that is the basis for the removal order was under section 237(a) of the Immigration Nationality Act, or section 241(a) prior to enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The I-205 (Warrant of Removal) must be prepared in each case prior to NCIC entry. For all cases from this date forward, the field office will prepare the I-205 for each of the above-listed categories prior to submission to the LESC.

4.3 A Failure To Appear (FTA) fugitive is a subject who has been arrested and has fled the jurisdiction of the court after appearing before a judicial officer.

4.4 A Red Notice is a lookout for an international fugitive who is wanted for prosecution or to serve a sentence, and whom the requesting country is willing to extradite internationally. Also known as the International Wanted Notice, the Red Notice provides specific details about the fugitive; photograph and fingerprints, if available; the facts of the case; the charges; and the arrest warrant. RED NOTICES are published in INTERPOL's four official languages: Arabic, English, French, and Spanish.

5 RESPONSIBILITIES.

5.1 The Assistant Commissioner, Office of Investigations (OI), shall have policy oversight for the implementation of this directive.

5.2 It is the responsibility of the OI or Office of Internal Affairs (IA) field office having investigative responsibility in the area where the warrant was filed to maintain records of their Customs fugitives and enter, cancel, and periodically verify the entries of the subjects in NCIC.

5.3 It is the position and policy of the USCS that OI retains the primary investigative authority over these fugitives when the responsible Special Agent in Charge (SAIC) or Resident Agent in Charge (RAIC) official determines it is in the best interest of the USCS to reserve that responsibility although the USMS is the responsible agency for entry of FTA fugitives into NCIC and is administratively responsible for the entry of USCS FTAs in NCIC.

5.4 Whenever an arrest warrant is issued pursuant to a USCS investigation, and the arrest of the subject is not anticipated within 10 days, the responsible case agent and group supervisor are required to submit a completed Customs Fugitive Report (CF-59) (see Appendix 1) to the National Law Enforcement Communication Center (NLECC) within 24 hours of the issuance of the warrant. Ten days is the maximum time authorized for submission of CF-59, unless accompanied by a specific explanation which documents the delay.

5.4.1 Exceptions to paragraph 5.4 of this document are circumstances such as sealed indictments, arrest of subject(s) pending as a result of ongoing investigative activities, or other situations which could adversely affect the investigation/prosecution.

5.4.2 When the reason for the delay no longer exists and an entry into NCIC is necessary, the reason for the delay shall be captioned in the remarks section of the Customs Fugitive Report (CF-59) and the existing Treasury Enforcement Communication System (TECS) record.



5.4.3 All cancellation reports shall be filed within 24 hours of the arrest of a Customs fugitive by USCS elements.

5.5 The National Fugitive Program Manager (NFPM) will coordinate with the Design, Publishing and Distribution Group to have the poster printed and distributed to each SAIC and RAIC Fugitive Coordinator after the incorporation of any changes and/or approval by the AC/OI.

5.5.1 The SAIC and RAIC Fugitive Coordinators will ensure that the most recent "TEN MOST WANTED" posters are distributed within their enforcement area of responsibility.

5.6 It is incumbent upon each SAIC or RAIC to address the issue of entry of fugitives into NCIC, prior to the commencement of the joint investigation/task force. In joint investigations/task forces, caution should be taken to ensure that only one agency is responsible for the entry of fugitives into NCIC. Procedures set forth in this Directive shall be followed for fugitives identified as being the responsibility of the USCS. 

5.6.1 The appropriate USCS Special Agent will ensure a supporting TECS entry is created identifying the subject as a fugitive from a joint agency USCS investigation. In those situations where it is agreed that another participating agency of the joint investigation/task force will be responsible for the entry of NCIC fugitive records, the TECS records will contain complete warrant information in the appropriate sections. A USCS Fugitive Report will not be completed in these situations.

5.6.2 Special attention should be taken to ensure no duplicate NCIC entries are created as a result of a joint investigation. Should this occur, it is incumbent upon the appropriate SAIC/RAIC representative to immediately advise the other agency of the duplicate entry and determine which records will be removed. If it is decided the USCS NCIC entry should be removed, a cancellation of the USCS Fugitive Report shall be completed within 24 hours and sent via facsimile to the NLECC. The TECS records status code shall be changed, if necessary, to reflect the classification of "XO."

5.7 The responsible SAIC/RAIC official may defer primary investigative authority over a USCS fugitive, on a case-by-case basis, to the USMS if he/she deems it is not in the best interest of the USCS to reserve that responsibility.

5.7.1 It is the responsibility of the SAIC Fugitive Coordinator to coordinate the requirements and activities between the field office and the NFPM. The SAIC Fugitive Coordinator must be a Senior Special Agent.

5.8 It is the responsibility of the NLECC to enter USCS fugitives into NCIC and to maintain appropriate records related to those entries.



- b) IA Fugitive Coordinators will submit recommendations to the NFPM.
- c) After screening current fugitive listings with IA and field recommendations, NFPM will propose ten fugitives for inclusion in the next "TEN MOST WANTED" poster.
- d) The proposed listing will be submitted through channels to the Assistant Commissioner, OI.

6.16 OI personnel with regard to case management functions within TECS will adhere to the following procedures:

6.17 Cases where USCS is responsible for the arrest warrant and the fugitive has not been arrested will remain open. After a reasonable amount of time has passed and no further investigative action is anticipated, the case can be placed in a pending status. What constitutes a reasonable amount of time is left to the discretion of the appropriate field Group Supervisor. All investigative activity taken to locate the fugitive, including negative results, shall continue to be documented via ROIs. Conditions leading to closure of the case can be, but are not limited to, the following: arrest of fugitive, dismissal of warrant, or the confirmed death of the fugitive.

6.18 The original USCS arrest warrants for Customs escapees will be considered still valid. If not rearrested within 24 hours of the escape and the subject has not already been entered into NCIC, a USCS Fugitive Report shall be completed and immediately sent via facsimile to the NLECC. A TECS record will be created and/or modified to reflect the escape and a status code of "XC."

6.19 It should be noted that FTA offenses are not extraditable and any foreign extradition of an FTA fugitive must rely on the merits of the USCS substantive charges.

6.20 Since the entry of FTA fugitive information into NCIC is the responsibility of the USMS, a USCS Fugitive Report will not be completed. However, if a supporting TECS record does not already exist, one shall be created indicating the subject as an FTA fugitive from a USCS investigation. The TECS record shall reflect a status code of "XF" and contain complete FTA warrant information.

6.21 USCS investigations involving only USCS FTA fugitives will either remain open, placed in a pending status, or closed at the discretion of the appropriate field Group Supervisor.

6.22 Cases where the defendant escaped from prison prior to the final judicial action, or from a holding facility after appearing before a judicial officer, are the responsibility of the USMS, and completion of a USCS Fugitive Report is not required. This type of fugitive will be considered the same as an FTA and supporting TECS records will be created/modified identifying the subject as a fugitive from a USCS investigation. The FTA warrant information will be obtained and recorded in the TECS record. The TECS status code shall be "XF."



6.23 The USMS is responsible for the entry into NCIC of fugitives who fail to report to prison or who escape from prison, and has primary investigative responsibility over them. Information contained in the USCS investigative files may be provided to the USMS as long as it will not adversely affect ongoing USCS investigation and enforcement actions. Completion of a USCS Fugitive Report is not required; however, a TECS record shall be created/modified identifying the subject as being convicted on USCS charges and is currently an escapee. The TECS record shall reflect a status code of "XO" and contain complete escapee warrant information.

6.24 USCS investigations involving USCS fugitives, who escape from the custody of the Attorney General, i.e., after conviction but prior to incarceration and/or escape from prison, will be placed either in a pending or a closed status.

6.25 If a defendant in an OI case is at large before or during judicial proceedings, the case should be placed in a pending status, assuming the fugitive has not been apprehended within a reasonable time and no further investigative action is anticipated. Each case should be weighed upon its own merits and a reasonable amount of time is left to the discretion of the case agent and field supervisors. The significance of the defendant and case, as well as input from the prosecutor, should also be weighed appropriately.

6.25.1 Cases where the defendants are the subject of arrest warrants, indictments, or informations who are at large and have never been apprehended, or have been apprehended and subsequently fled upon posting bail before trial, during trial, or otherwise failed to appear for a judicial proceeding, can be placed in a pending status.

6.26 If a defendant in an OI case flees after pleading guilty or being convicted but before sentencing, or after sentencing but before incarceration, the case should be closed.

6.27 In the above scenario, the case agent will probably have the most intimate knowledge of the fugitive's habits, associates, and haunts. In this instance, his assistance to the USMS may be vital, and a new fugitive case (Criminal All Other 05) should be opened if deemed appropriate.

6.28 The case should be closed upon final judicial disposition, capture, fugitive turning him/herself in, dismissal of the warrant or indictment, or confirmed death of the fugitive.

7 NO PRIVATE RIGHT CREATED. This document is an internal directive of the USCS. It does not create or confer any right, privilege, or benefit on any private person.

8 MEASUREMENT.

2 Case Category and Program/Project Codes

2.1 Case Category/Sub Category Codes

Investigative activities are divided into various categories based on the type of activity under investigation. Each category is assigned a number that is designated as the Case Category Code. This categorization assists in the analysis of data in the case management database. This code is part of the Investigative Case Number. This number cannot be changed once it has been entered into the system. SAs have the responsibility to select the case category and sub category that describes the predicate offense used to open the case.

(b)(7)(E)

Investigative Case Category Codes are listed with the associated Program/Project Codes in Section 2.2 below (detailed descriptions and subcategory codes can be found on the ICEPIC Website or the OI Proprietary Website).

The ICE Investigative Case Number should be entered directly into the TECS Case Management module, SEACATS and the ENFORCE systems.



2.4.1 Additional Codes



Additional Program/Project Codes may be entered to further describe operations, special activities and associated programs/projects. **These codes should never be used in place of Primary Program/Project codes but entered in addition to the Primary Program Code.**

SAs may enter as many additional codes (up to the system maximum) as they deem necessary to allow for the tracking of more localized programs or projects. Program/Project Codes can be found using the help field within TECS that are not listed in this document may also be entered as additional codes. SAs may contact the Primary Program/Project Managers at OI HQ if additional guidance is required. The OI NSCO Help Desk is available to provide assistance during normal business hours.

(b)(7)(E)

3 Information Requirements for ICE OI Report Generation

The SA and GS are responsible for the accuracy and completeness of information contained in the various ICE LES databases. This includes case hours, enforcement statistics, narratives and reports.

3.1 Data Entry Requirements



The elements listed below are the minimum set of data elements that must be entered into the systems identified to facilitate accurate reporting of OI Enforcement Statistics. The data entry may not be mandatory for the system listed, but is required for generating various reports. **IDENTIFICATION OF THESE ELEMENTS DOES NOT ALLEVIATE THE ENTRY OF OTHER DATA ELEMENTS NOT LISTED THAT ARE USED FOR PURPOSES OTHER THAN REPORTING.**

Data Element	Point of Entry
OI Case Number	TECSII/SEACATS/ENFORCE
Case Category Code	TECSII/ENFORCE
Case Category Sub Code	TECSII/ENFORCE
Arrests	TECSII/SEACATS
Indictments	TECSII
Convictions	TECSII
Hours	TECSII
Office Name	TECSII/SEACATS/ENFORCE
Program/Project Code	TECSII/SEACATS/ENFORCE
FP&F Case Number (system generated)	SEACATS
Incident Number	SEACATS
Property Type Description	SEACATS
ROI Type	TECSII
Seizures	SEACATS
Type Code	SEACATS
Quantity	SEACATS
Value	SEACATS
Seized CAT Code	SEACATS
Event Number	ENFORCE/SEACATS/TECS
Disposition Field	ENFORCE
Criminal Type	ENFORCE
Occupation	ENFORCE/TECSII
Employer	ENFORCE/TECSII
Employee Type/Role	ENFORCE/TECSII
Arresting Agent (Fill in only if arrest occurs)	ENFORCE/SEACATS
Date of Arrest (Fill in only if arrest occurs)	ENFORCE/SEACATS
Arrest Location (Fill in only if arrest occurs)	ENFORCE/SEACATS

3.2 Linking of Data throughout Reporting Systems

It is the responsibility of the SA to ensure the information is linked or entered as required to systems that contain information relevant to each case. It is the responsibility of the GS to ensure that prior to the approval and or review of any source document that the appropriate subject record, seizure report and other documents are linked. The SA is

responsible for ensuring consistency of data entered between systems and the GS is responsible for reviewing the data entered by the SA.

There may be instances where a Search/Arrest/Seizure(S/A/S) report is the first document created by OI. In this instance, the primary Program/Project code must be entered into the S/A/S report by the SA based upon the category code that will be assigned to the case in the TECS Case Management system. This will enable the two documents to be linked programmatically.



(b)(7)(E)

A table of category and program/codes is given in Section 2.1.

If the incident was generated by CBP, then the SA will link the incident to the case in the TECS Case Management system via option 3 (updating of non-OI S/A/S). Once the S/A/S screen has been updated with the OI case number, the SA must also input the applicable primary Program/Project code, and ensure that OI participation in the seizure or arrest is property noted.

(b)(7)(E)

Appendix B - Acronyms

Acronym	Definition
AOR	Area of Responsibility
CBP	Customs and Border Protection
DHS	Department of Homeland Security
DRO	Detention and Removal Operations
FP&F	Fines, Penalties and Forfeiture
GS	Group Supervisor
HQ	Headquarters
ICE	Immigration and Customs Enforcement
ICEPIC	ICE Pattern Analysis and Collection System
LEARA	Law Enforcement Agency Request for Assistance
LES	Law Enforcement Systems
OI	Office of Investigations
PM	Program Manager
SA	Special Agent
SAC	Special Agent in Charge
S/A/S	Search/Arrest/Seizure Report
SEACATS	Seized Assets and Case Tracking System
SEN	Significant Enforcement Notification System
SPEAR	Significant Prospective Enforcement Activity Reports
TECS II	Treasury Enforcement Communications System II



PRIMARY PROGRAM/PROJECT "Y" Codes

In order to correctly capture enforcement statistics, the Primary Program/Project Code referred to as a "Y" code must be entered in TECS and SEACATS. The "h" code should be determined based upon the predicate offense.

The Primary Program/Project Codes are established by ICE Headquarters (HQ), as required, to enable the compiling of statistics by Program Area. Primary Program/Project Codes are also associated with the case categories for more efficient and accurate reporting.



The table below provides the Primary Program/Project Codes and their associated Case Category. The agent must use this table as guidance when entering an Investigative Case Record. The use of the Primary Program/Project Codes does not preclude using additional Program/Project Codes on the same record as the case evolves.

The codes listed below are effective as of October 1, 2007. If additional codes are added, notification will be provided to the SACs.

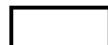
Primary Program/Project Codes		Associated Case Category	
Code	Program Area	Case Cat. Code	Case Category
(b)(7)(E)	Historical.	(b)(7)(E)	Classification and Market Value (Historical - Discontinued).
	Trade Transparency Unit.		Financial Investigations.
	Cornerstone.		Financial Investigations.
	Theft, Loss, Damage, & Shortage.		Theft, Loss, Damage, & Shortage.
	Criminal, All Other.		Criminal, All Other.
	Illegal Exports.		Illegal Exports.
	Smuggling, General.		Smuggling, General.
	Commercial Fraud.		Fraud.
	Intellectual Property Rights.		Fraud.
	Foreign and Domestic Cooperation.		Foreign and Domestic Cooperation.
	Customhouse Licenses & ID Cards.		Customhouse Licenses & ID Cards.
	Navigation.		Navigation.
	Regulatory Compliance.		Regulatory Compliance.
	Drug Smuggling.		Drug Smuggling.
	Counterterrorism.		Counterterrorism.
	Human Smuggling.		Human Smuggling/Trafficking.
	Human Trafficking.		Human Smuggling/Trafficking.
	General Alien Investigations.		General Alien Investigations.
	Benefit Fraud.		Benefit Fraud.
	Document Fraud.		Document Fraud.
	General Investigative.		Compliance/Worksite/Infrastructure Protection Investigations.
	NSERS.		Compliance/Worksite/Infrastructure Protection Investigations.
	SEVIS.		Compliance/Worksite/Infrastructure Protection Investigations.
	Biometric Match.		Compliance/Worksite/Infrastructure Protection Investigations.
	Visa Revocation.		Compliance/Worksite/Infrastructure Protection Investigations.
	Work Site Enforcement (CPI).		Compliance/Worksite/Infrastructure Protection Investigations.
	Work Site Enforcement (Non-CPI).		Compliance/Worksite/Infrastructure Protection Investigations.
	Compliance Enforcement Investigations.		Compliance/Worksite/Infrastructure Protection Investigations.
	US VISIT.		Compliance/Worksite/Infrastructure Protection Investigations.
	Gangs.		Select appropriate Case Category.

(b)(7)(E)

MINIMUM DATA ENTRY REQUIREMENTS FOR ICE OI LAW**ENFORCEMENT STATISTICS REPORTING**

The elements listed below are the minimum set of data elements that must be entered into the systems identified to facilitate accurate reporting of OI Enforcement Statistics. The data entry may not be mandatory for the system listed, but is required for generating various reports. **IDENTIFICATION OF THESE ELEMENTS DOES NOT ALLEVIATE THE ENTRY OF OTHER DATA ELEMENTS NOT LISTED THAT ARE USED FOR PURPOSES OTHER THAN REPORTING.**

Data Element	Point of Entry
OI Case Number	TECSII/SEACATS/ENFORCE
... Case Category Code	TECSII/ENFORCE
.... Case Category Sub Code	TECSII/ENFORCE
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Indictments	TECSII
Convictions	TECSII
Hours	TECSII
Office Name	TECSII/SEACATS/ENFORCE
Program/Project Code	TECSII/SEACATS/ENFORCE
FP&F Case Number (system generated)	SEACATS
Incident Number	SEACATS
Property Type Description	SEACATS
ROI Type	TECSII
Seizures	SEACATS
Type Code	SEACATS
Quantity	SEACATS
Value	SEACATS
Seized CAT Code	SEACATS
Event Number	ENFORCE/SEACATS/TECS
Disposition Field	ENFORCE
Criminal Type	ENFORCE
Occupation	ENFORCE/TECSII
Employer	ENFORCE/TECSII
Employee Type/Role	ENFORCE/TECSII
Arresting Agent (Fill in only if arrest occurs)	ENFORCE/SEACATS
Date of Arrest (Fill in only if arrest occurs)	ENFORCE/SEACATS
Arrest Location (Fill in only if arrest occurs)	ENFORCE/SEACATS

**ADDITIONAL REPORTING REQUIREMENTS**
**Significant Enforcement Notification (SEN)
System**

The Significant Enforcement Notification (SEN) system refers to the reporting of incidents, significant events and other emerging or sensitive matters occurring in the field that may affect ICE. These incidents must be reported within two hours of their occurrence (telephonically) and a written report must be submitted in the SEN system within 24 hours

**Significant Prospective Enforcement Activity
Reports (SPEAR)**

Significant Prospective Enforcement Activity Reports (SPEAR) are used to report anticipated enforcement actions to Executive Management. Executive Management has a high degree of interest in upcoming enforcement events. Activity where a press release or coverage is anticipated would usually warrant a SPEAR.

**Law Enforcement Agency Request for
Assistance (LEARA)**

The SEN Agency Request for Assistance Module is a permanent process requiring agents to complete the SEN LEARA report for each individual request for assistance from state and local Law Enforcement agencies. The supervisor approves these reports. The SEN LEARA Module captures detailed information regarding the requests ICE receives from the outside agency and ICE's response. The module allows users the ability to query requests by date range, office, or a unique identifying number.

KEY ELEMENTS OF NARRATIVES

- ✓ Describe the elements of "who, what, when, and where"
- ✓ The narrative is written so that it could be understood by a person with no law enforcement experience
- ✓ The end user of an S/A/S report may not be familiar with the type of case being reported, or may be from another agency.
- ✓ All abbreviations and acronyms should be spelled out when first used in the narrative, and then can be abbreviated following the first use.
- ✓ Specify the date of arrest or seizure.
- ✓ Identify the agent or officer that makes the arrest or seizure
- ✓ Specify the section of law for which a person is arrested
- ✓ Describe the items seized fully but succinctly ("207 assorted business documents" or "50 twenty-dollar bills")
- ✓ Identify by name any and all persons arrested
- ✓ Ensure that the information in the formatted fields of the S/A/S report does not contradict, the information in the formatted fields of the S/A/S report.

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement



MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

JAN 19 2010

FROM: David J. Venturella
Acting Director

A handwritten signature in black ink, appearing to read "D. J. Venturella".

SUBJECT: Documentation of Consent in Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment. The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(7)(C),(b)(6) at (202) 732-(b)(7)(C) or email her at (b)(7)(C),(b)(6)

U.S. Department of Homeland Security
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likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and



- i) Is not permitted to make or receive any telephone calls until the detainee reaches the destination facility;
 - ii) Does not have contact with any detainee in the general population until the detainee reaches the destination facility; and
 - iii) Is notified that upon admission into the receiving facility, the detainee may place a domestic phone call, at no expense to the detainee.
- b) The sending office will ensure that the detainee notification is documented in:
 - i) The Detainee Transfer Notification form; and
 - ii) The appropriate comments screen in ENFORCE. ☐
- c) At the time of the transfer, ICE will provide the detainee, in writing, the name, address, and telephone number of the facility to which they are being transferred, using the Detainee Transfer Notification form. ICE place a copy of the form in the detainee's A-File.
- d) ICE will make sure that the detainee acknowledges, in writing, that they have received the transfer destination information and that it is their responsibility to notify family members if so desired, upon admission into the receiving facility.
- 4) EOIR notification. If a detainee has pending proceedings before EOIR, ICE must submit Form I-830, *Notice to EOIR: Alien Address*. If the alien has an appeal pending with Bureau of Immigration Appeals (BIA), the BIA must be notified. In all cases, a copy of Form I-830 will be placed in the A-file.

5.4. Requests for Bed/Designation Transfers from Field Office to Field Office.

- 1) FODs or their designees are responsible for ensuring that field offices which routinely transfer cases:
 - a) Establish a means of communication so that receiving field offices provide sending field offices daily information regarding available bed space; and
 - b) Provide the names and contact numbers of staff responsible for handling transfers.
- 2) While field offices are encouraged to communicate directly regarding available bed space, the headquarters Removal Management Division (RMD) is available to assist a field office that has unsuccessfully attempted to locate space.
- 3) Field offices seeking bed space in other field office jurisdictions should phone the request (or e-mail with a follow-up phone call) with sufficient details of the case to the designated field office contact.

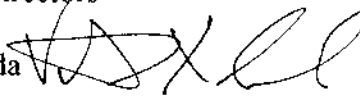
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 01-28-01 BY 304



U.S. Immigration and Customs Enforcement



MEMORANDUM FOR: Field Office Directors

FROM: Victor X. Cerda 
Acting Director

SUBJECT: Operation Predator Notices for Interpol

Purpose

Recently, each Field Office Director received a list of Operation Predator cases identified for their respective area of responsibility as well as instructions for completing Interpol Green Notice applications on each case. This memorandum serves as follow-up to that message and establishes policy for future case preparation in regards to cases removed pursuant to Operation Predator.

Background

The location, apprehension and removal of Operation Predator violators continues to be a priority for Immigration and Customs Enforcement (ICE). It is ICE's intent to ensure that these predators do not prey upon others upon their return to their country of origin. In light of this, an agreement has been reached between ICE/DRO and Interpol, U.S. National Central Bureau (NCB). Interpol-NCB will post Operation Predator cases in their database and provide Green Notice flyers to law enforcement agencies internationally to ensure these cases get the attention they require.

Discussion

Interpol maintains a system of five color-coded advisory notices on individuals and another five advisories for criminal operations (groups), property and criminal activities. All Interpol notices are available internationally through their database but, for the most part, their active distribution is restricted to locations where the subject of the advisory is likely to be encountered.

A Green Notice is an Interpol generated advisory that "provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters, pornographers)". Operation Predator cases meet this definition. Interpol will be made aware of Operation Predator cases through the completion of Green Notice applications (attached).

Review A-File(s)

What is your target's immigration history?

- Determine what databases you will search to obtain investigative leads (eg. alien entering on student visa, check SEVIS!)
- Lawful entrants will have some type of paper trail, e.g.:
 - Visas, petitions, applications in the file
 - NIV - I-94/visa in passport (check US VISIT)
 - LPR – I-551/I-130/I-485 (check CLAIMS & CPMS)
- Unlawful entrants will have some type of encounter information with Immigration unless you are the first to encounter them. i.e.:
 - I-213s ☐
 - ENFORCE record
 - Asylum application



Review A-File (s)

Is your target criminally involved?

- Determines Secure Communities/case load priority
- Look in the file (s) for the following:
 - Criminal history
 - State ID and FBI #
 - Conviction documents (jurisdiction)
 - Possible victim information
 - Probation / Parole information
- Tells you: ☐
 - Which states you will need to follow up with (i.e. TECS QH)
 - Which agencies you will need to follow up with for records (i.e. courts, PDs)



ENFORCE



- **EABM** - Enforce Alien Booking Module
 - Check if alien already in ENFORCE
 - Check for additional files belonging to target
 - Check for aliens processed with target
 - Possible alien in ENFORCE & not CIS
 - Photos and Prints from IDENT & Booking
- **EARM** – Enforce Removal Module
 - Proper case category per HQ mandates
 - Properly docketed
- **EADM** - Enforce Detention Module
 - Detention location/visitor & phone logs/booking photo
 - Public website for ICE detainees
<https://locator.ice.gov/odls/homePage.do>
- **WebIDENT**



STUDENT EXERCISE #2

Run Mandatory Database Checks

Tab all records checks and note them with the date ran on your G-166C

- **BIA**
- **CIS**
- **CLAIMS**
- **ENFORCE (EARM)**



TECS and NCIC will be covered in block 2



START BLOCK 2

Database Checks Continued

- **TECS (mandatory)**
- **NCIC (mandatory)**



Recommended database checks

- ❖ **(ATS-P) Automated Tracking System Passenger**
- ❖ **(CCDI) Consular Consolidated Database**
- ❖ **(PACER) Public Access to Court Electronic Records**
- ❖ **(US-VISIT) U.S. Visitor and Immigrant Status Indicator Technology**

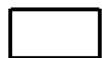


START BLOCK 4

Other Database Checks

(Recommended by NFOP)

❖ **(CPMS)** Customer Profile Management System



❖ **(PCQS)** Person Centric Query System *

❖ **(SEVIS)** Student Exchange Visitor Info. System

❖ **(IFS)** Intelligence Fusion System

❖ **(GEMS)** General Counsel Electronic Management System



NVLS



- TECS is interfacing with NVLS and that information is accessible through (b)(7)(E)
- ICE is exploring a national paid account for NVLS tier II
- Per HQNFOP, NVLS has been endorsed by HSI (policy, OPLA, etc) at the national level, and is awaiting Mr. Morton's approval
- Some FODs are already paying for the NVLS for their officers
- Signing up for the free NVLS accounts is strongly discouraged by HQ NFOP as it exposes individual officers to liability directly with that private company (e.g. - if NVLS decided to charge for services retroactively from start of service, that individual officer would be directly liable to the company). There have also been cases of ethics violations where individual ICE employees have provided endorsements to that private company which is strictly prohibited
- For further information FOD office should contact HQNFOP



ATS-P

Automated Targeting System

Searches 9 + systems databases simultaneously

- SuperQuery includes:

- TECS

(b)(7)(E)

(b)(7)(E)

- APIS

- USVISIT

- CCDI





IX. Attachments

- Risk Assessment Worksheet
- Skills Assessment Checklist

X. References

- Anthony Lambraia (1998). Tony Lambraia Combatives. Brunswick, Georgia.
- Tony Blauer. 21 November, 2005. Blauer Tactical Systems, 21, November 2005
<http://www.tonyblauer.com>
- Use of Force. Federal Law Enforcement Training Center, Enforcement Operations Division, FLETC Lesson Plan 5046. Georgia, 2005
- NFFTU Defensive Tactics Program



Database Mandates

- **EARM** (ENFORCE Alien Removal Module)
- **CIS** (Central Index System)
- **CLAIMS** (Computer Linked Application Information Management System)
- **BIA** (Board of Immigration Appeals)
- **NCIC** (National Crime Information Center)
- **TECS** (Treasury Enforcement Communications System)



(b)(7)(E)

Database Mandates



- **FCMS (Fugitive Management System)**
 - Statistical tracking database for fugitive apprehensions
 - Must be updated by midnight Friday, the week of the event
- **INTERPOL (International Criminal Police Organization)**
 - **Red** – Warrant Extradition, **FAR** (Fugitive Alien Removal Requests)
 - **Green** – Criminals likely to reoffend, **OPPED**
Locate missing persons
 - **Blue** – Identity/activity/location request for an investigation
 - **Orange** – Warns of dangerous weapons/bombs/materials
 - **Black** – ID unidentified persons



likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and



5.1. Field Points of Contact for Parental Rights (“Field POCs”).

- 1) Each ERO FOD shall designate a specially trained coordinator at the supervisory level in his or her Field Office to serve as the Field POC for Parental Rights for his/her area of responsibility (AOR). These Field POCs will regularly communicate with the Parental Rights Coordinator (See 5.8) and report to ERO HQ on the progress of implementing this Directive. The Field POCs will also participate in all relevant training offered by HQ ERO on the subject of this Directive.
- 2) Each Field POC shall receive and address public inquiries related to the parental rights or family ties of detained alien parents or legal guardians of minor children. Careful consideration should be given to cases involving parents or legal guardians who are primary caretakers, those who have a direct interest in family court or child welfare proceedings, and those whose minor children are USCs or LPRs. Inquiries may be received from detained or non-detained aliens, their family members, attorneys or representatives, advocacy groups, state and local family courts, and/or child welfare services, among others.
- 3) Information regarding how to contact the Field POCs shall be posted and publicized at detention facilities within each AOR and on the ICE website. Information will be made available in multiple languages to the extent practicable.

5.2. Prosecutorial Discretion and Identification.

- 1) ***Prosecutorial Discretion.*** FODs shall continue to weigh whether an exercise of prosecutorial discretion may be warranted for a given alien and shall consider all relevant factors in this determination, including whether the alien is a parent or legal guardian of a USC or LPR minor, or is a primary caretaker of a minor. While the FODs may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible.
- 2) ***Identification.*** ICE may receive information that identifies an alien as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor at any time during the alien’s arrest, processing or detention.

If such information is sufficiently credible to confirm the alien’s status as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, FODs should reevaluate any custody determination for the alien to the extent permitted by law and in accordance with existing ICE policy.

Once a detained alien has been determined to be a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, the FOD or Field POC should also enter this information into ENFORCE.



orderly visa and immigration processing; (iv) that they will depart the United States without delay following the conclusion of the final parental rights termination hearing for which they traveled to the United States; and (v) that they understand that if they do not depart the United States promptly upon the completion of such hearing, they may be subject to removal from the United States without further hearing as an arriving alien. Additionally, facilitation of return under this Directive will not relieve an alien of any ground of inadmissibility, deportability, or ineligibility for immigration benefits or relief or protection from removal.

- 3) The alien will be responsible for incurring all costs associated with returning to United States to participate in the termination of parental rights hearings; the alien will also incur all costs for departing the United States at the conclusion of the hearing.
- 4) Requests to facilitate return will be considered and accommodated on a case-by-case basis, taking into account security and public safety considerations and other relevant factors, such as whether the family court or relevant child welfare authority will permit the removed alien to participate through alternative means, e.g., through video or standard teleconferencing.

5.8. Implementation through Collaboration and Information Sharing.

- 1) The ERO EAD shall designate a Parental Rights Coordinator.
- 2) The Parental Rights Coordinator shall be responsible for:
 - a) Serving as the primary point of contact and subject matter expert for all FODs and Field POCs, regarding the parental rights of detained aliens.
 - b) With the assistance of relevant ERO divisions responsible for data collection and analysis, evaluating on an ongoing basis information collected from ENFORCE, Risk Classification Assessment (RCA) and other relevant ICE information technology systems regarding detained alien parents or legal guardians and sharing with FODs and Field POCs, on an ongoing basis, relevant information about detained alien parents and legal guardians within each AOR.
 - c) Assisting FODs and Field POCs in utilizing information about detained alien parents and legal guardians to help ensure compliance with this directive, including:
 - i. the appropriate exercise of prosecutorial discretion with respect to detained aliens who are determined to be the primary caretaker of a minor child, or who are determined to be the parent or legal guardian of a USC or LPR child;
 - ii. appropriate initial placement decisions and transfer decisions for detained alien parents or legal guardians;

- iii. the appropriate provision of escorted trips to family court or child welfare proceedings for detained alien parents or legal guardians;
- iv. appropriate visitation within ICE facilities; and
- v. appropriate efforts, to the extent practicable, to allow a detained alien parent or legal guardian to make provisions for their minor children, including through increased access to counsel, consular officials, family and dependency courts, child welfare authorities personnel, and/or family members or friends in order to arrange guardianship, or to obtain travel documents or otherwise make necessary travel arrangements, for his or her children.



- d) Coordinating as necessary with other relevant ERO program offices, FODs, state or local family court or child welfare authority personnel, consular officials and others to facilitate the timely response to issues or complaints relating to the parental rights of detained aliens received by ICE.
 - e) Working as necessary with relevant ICE program offices and consular officials to facilitate the return to the United States of certain lawfully removed aliens by grant of parole for the sole purpose of participation in the termination of parental rights proceedings.
- 3) To the extent practicable, the FODs and the Field POCs shall utilize information collected from ENFORCE, RCA, and other relevant ICE information technology systems regarding detained alien parents and legal guardians to perform the functions described in Section 5.8(2)(c) of this Directive.

5.9. Outreach.

- 1) With support from other relevant ICE program offices and in coordination with U.S. Department of Homeland Security (DHS) entities and the U.S. Department of Health and Human Services' Administration for Children and Families, the ERO EAD or his or her designee shall work with representatives of family and dependency courts and child welfare authorities to develop methods for improving communication and cooperation between the immigration enforcement, family or dependency court, and child welfare systems.
- 2) In cooperation with non-governmental organization stakeholders, the ERO EAD or his or her designee shall ensure the dissemination to all over-72-hour facility law libraries relevant resource guides, including materials prepared by non-governmental organizations and reviewed by ICE, regarding dependency proceedings and the intersection of these proceedings with immigration enforcement and detention.

5.10. Training.

- 1) The Parental Rights Coordinator, in consultation with relevant ICE and DHS program offices – to include other relevant ERO program offices, the ICE Office of Training

and Development, Office of Detention Policy and Planning, and the DHS Office for Civil Rights and Civil Liberties – shall develop training materials to assist FODs, Field POCs, and other relevant Field Office personnel in the implementation of this Directive.

- 2) Training shall cover, at a minimum, the means by which ICE officers and personnel will safeguard the parental rights of aliens they encounter – through identification, placement, monitoring, accommodation, and removal – while fulfilling their obligation to enforce the immigration laws.

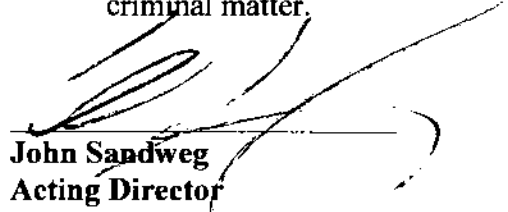
6. Recordkeeping. None.

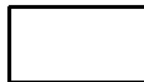
7. Authorities/References.

- 7.1. INA § 212(d)(5), 8 U.S.C. § 1182(d)(5).
- 7.2. 8 Code of Federal Regulations (CFR) §212.5
- 7.3. ICE Policy 10075.1, Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens (June 17, 2011).
- 7.4. ICE Policy 10072.1, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011).
- 7.5. 2011 Performance-Based National Detention Standard, “5.2 Trips for Non-medical Emergencies.”
- 7.6. ICE Policy 11022.1, Detainee Transfers (January 4, 2012).

8. Attachments.

- 8.1. Detainee Transfer Checklist (updated).
- 9. No Private Right.** Notwithstanding the provisions of this Directive, ICE retains its discretion to remove or detain any alien to the extent permitted by law, irrespective of an alien’s pending family court or child welfare proceeding. These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.


John Sandweg
Acting Director
U.S. Immigration and Customs Enforcement





**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

JAN 19 2010

FROM: David J. Venturella
Acting Director

A handwritten signature in black ink, appearing to read "D. J. Venturella".

SUBJECT: Documentation of Consent in Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment. The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form 1-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6), (b)(7)(C) at (202) 732-(b)(6) or email her at (b)(6), (b)(7)(C)

A Message from Thomas D. Homan, Deputy Executive Associate Director

To all Field Office Directors

April 10, 2013

ICE Training and Policy Statement

It is important to comply with existing law and ICE policy regarding the conduct of law enforcement operations. This memorandum addresses three particular aspects of enforcement operations that officers and agents should keep in mind.

First, all ICE officers and agents are reminded that in consent-based home operations, they cannot enter the curtilage or areas around a home where there is a reasonable expectation of privacy, unless they obtain consent to do so. This is consistent with ICE's policies as well as the training that federal officers and agents receive at FLETC. Attached for your reference is a sample FLETC lesson plan explaining the concept of "curtilage," which is defined as private property where one has a reasonable expectation of privacy (for example, a backyard surrounded by a six-foot privacy fence).

Second, officers and agents are reminded that, in accordance with the Supreme Court's decision in Maryland v. Buie, protective sweeps are permitted only where there is a reasonable, articulable suspicion of danger, and protective sweeps cannot be conducted upon entry of a home without such reasonable, articulable suspicion. As above, this is a generally applicable rule that applies not only to ICE, but to all federal officers and agents.

Third, officers and agents are reminded that consent to enter or search a private residence must be sought in language understood by the resident of the residence granting consent whenever feasible, and one or more Spanish-speaking officers must be available to seek such consent where the target is thought to be from a Spanish-speaking country. For your reference, attached is a memorandum entitled "Documentation of Consent to Enter and Search," dated January 19, 2010. The memorandum instructs ERO officers to fill out Field Operations Worksheets (FOWs) and document consent to search on both the FOW and the I-213. Additionally, for consent-based home operations, ICE makes reasonable efforts to make available an agent or officer proficient in the language spoken by the target. Thus, the documentation for the operation should reflect the language used in seeking to obtain consent.

From: ICE-Broadcast
Sent: Wednesday, December 09, 2009 11:00 AM
Subject: A Message from Assistant Secretary Morton
Importance: High

A Message from Assistant Secretary Morton

To all ICE employees
December 9, 2009

National Fugitive Operations Program: Priorities, Goals and Expectations

I am pleased to announce new policy guidance clarifying the enforcement priorities of the National Fugitive Operations Program.

The existence and continuation of the National Fugitive Operations Program is essential to the integrity of the nation's immigration system. In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the national fugitive operations program focus on its core mission—the apprehension and removal of fugitive aliens.

Final orders of removal should be enforced, and those who knowingly disobey or evade a final order of removal should be apprehended and removed. Fugitive operations teams are expected to focus on cases with the most current and reliable investigative leads. Absent extraordinary circumstances, fugitive operations teams should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm unless they receive supervisory approval and report it to headquarters.

The policy requires Fourth Amendment training every six months focused on special considerations that should be made when apprehending fugitives at their home and encourages relationship building with state and local law enforcement, and communication with and outreach to advocacy and community groups to identify and address concerns about the conduct of fugitive operations.

I am confident that this guidance provides clarification of our priorities, goals and expectations, and will result in a more effective use of our National Fugitive Operations Program resources. This policy, which can be found on the ICE Policy Web site or at (b)(7)(E) is effective immediately.

John Morton
Assistant Secretary
U.S. Immigration and Customs Enforcement

From: Taskings, FNY
Sent: Tuesday, October 07, 2014 10:07 AM
To: # ICE-ERONYOFF
Subject: Planned Enforcement Actions Near a Sensitive Location
Attachments: Sensitive Location - Template.doc

This message is being sent on behalf of Field Office Director, Christopher Shanahan:

From: ERO Taskings
Sent: Monday, October 06, 2014 2:37 PM
Subject: Planned Enforcement Actions Near a Sensitive Location

This message is sent on behalf of Philip T. Miller, Assistant Director for Field Operations:

To: Field Office Directors and Deputy Field Office Directors
Subject: Planned Enforcement Actions Near a Sensitive Location

In reference to ICE Policy Number 10029.2 "*Enforcement Actions at or Focused on Sensitive Locations*," ERO Domestic Operations has developed a defined process for requesting approval in order to conduct a planned enforcement action at or near a sensitive location.

Any planned enforcement action at or focused on and around a sensitive location must have prior approval of the Assistant Director (AD) for Field Operations. This includes planned enforcement actions at or focused on a sensitive location, which is part of a joint case led by another law enforcement agency.

In order to obtain prior approval the Field Office Director shall provide ERO HQ Field Operations with a formal request 72 hours in advance of the planned enforcement action. Exceptions will be considered based on exigent circumstances. The request must include clear articulable facts outlining the subject's case and the sensitive location where the planned enforcement action will occur. The subject must also fall within the guidelines as set forth in ICE Policy Number 10072.1 "*Civil Immigration Enforcement: Priorities of the Apprehension, Detention, and Removal of Aliens*" signed by former ICE Director Morton.

The attached template is a guide to how the formal request shall be prepared for the AD's review and decision.

Please submit Planned Enforcement Action Sensitive location requests to your designated ERO HQ Field Operations desk officer.

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not an intended recipient or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. Please inform the sender that you received this message in error and delete the message from your system.



**U.S. Immigration
and Customs
Enforcement**

Current date:

MEMORANDUM FOR: Name of Current DAD
Deputy Assistant Director
Field Operations

FROM: Name of FOD/DFOD
Field Office Director
Name of Field Office

SUBJECT: Approval for a Planned Enforcement Action near a Sensitive Location

Purpose:

In reference to ICE Policy Number 10029.2 "Enforcement Actions at or Focused on Sensitive Locations," the Name of Field Office is seeking approval for a planned enforcement action near a sensitive location, (Name of Sensitive Location).

Background: Provide a brief case synopsis of the alien.

The Name of Field Office will attempt to arrest a Laotian national and U.S. lawful permanent resident John SMITH, (A000 000 000). SMITH's immigration history reveals that he entered the United States on July 13, 1981 at Washington, D.C., as a refugee. On July 26, 1983, INS adjusted SMITH's status to that of a lawful permanent resident (RE-6).

SMITH came to the attention of ICE/ERO via a lead from the State Police. After review of SMITH's criminal history and alien file, it was determined that SMITH was amenable to service action under Section 237(a)(2)(A)(iii) and 237(a)(2)(A)(ii) of the INA. As a result, a Notice to Appear was approved by the Office of the Chief Counsel on August 11, 2014. Records checks indicate that SMITH currently resides at Address of Alien or location where arrest is intended to be made. SMITH's residence is located directly south of the Name and address of Sensitive Location.

Criminal History: Provide a complete and detailed history of all convictions.

On October 29, 1992, the 23rd Judicial District Court convicted SMITH for the offense of grand larceny and sentenced to 2 years' incarceration.

Discussion: Describe in detail the field offices planned intentions.

Name of Field Office is requesting to conduct a discrete knock and talk at the targeted residence with the intent to initiate an enforcement action. The knock and talk will be

conducted between the hours of 0600-0700 and outside the time of any known church or school function. If there should be any ongoing church or school activities, all enforcement activity will cease and will be resumed at a later date when there is no ongoing church or school activities.

SMITH falls within the guidelines as set forth in ICE Policy Number 10072.1 "Civil Immigration Enforcement: Priorities of the Apprehension, Detention, and Removal of Aliens" signed by former ICE Director Morton, as a Priority one (1), Level one (1) offender, a criminal alien convicted of an aggravated felony.

Recommendation:

It is recommended that the HQ ERO DAD of Field Operations approve the request based upon the information provided in the memorandum.

Approve: _____

Disapprove: _____

Modified: _____

Needs Discussion: _____

from the vehicle or building, the ICE armed officer does not have to carry the body armor, unless instructed by an FPS supervisor.

- 5.5. All Detention and Removal Operations (DRO) armed uniformed officers shall wear their issued body armor while in the performance of their law enforcement duties. When not being worn, body armor should be readily accessible in the vehicle or building where the officer is working. DRO armed officers performing administrative duties or duties inside a detention facility shall not be required to wear their issued body armor.
- 5.6. Due to their covert mission within the aviation environment, Federal Air Marshals shall wear issued body armor according to their internal guidance and procedures as established by the Director, Federal Air Marshal Service.
- 5.7. The wearing of body armor during normal operations is at the discretion of the employee, except during activities as specified in the Procedures Section of this directive and for FPS and DRO armed officers as stated above in sections 5.4 and 5.5.
- 5.8. All employees need to be aware of the health risks associated with the wearing of body armor in high-heat/high humidity conditions and/or during strenuous exertion. When employees are required to wear body armor, they shall be provided opportunities to rehydrate and remove the body armor as necessary.
- 5.9. ICE does not authorize the use of personally owned body armor for armed officers while functioning as ICE employees. Any exception to this requirement first must be approved by the director of the operational component and then by the Director of the National Firearms and Tactical Training Unit (NFTTU).

6. RESPONSIBILITIES.

- 6.1. The NFTTU is responsible for the development of all national policy and procedures, and exercises program management responsibility for the body armor program.
- 6.2. The NFTTU shall coordinate all research, testing, evaluation, procurement, distribution and destruction of body armor.
- 6.3. The SFIs are responsible for coordinating requests for body armor, ensuring training requirements are met and conducting inspections of all body armor as required by the NFTTU.
- 6.4. Supervisors are responsible for ensuring armed personnel under their supervision are issued body armor and that it has not exceeded its expiration date.